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MONTANA LEGISLATIVE HISTORY

Chapter 557 Session L 87
Bill House 740 Senate _____

History and final status sheet X
Introduced bill X
Fiscal note NA
Third reading bill X
Final version of bill X

House Committee on Judiciary

Hearing date(s)* 2-19

Executive action (vote) date(s)* 2-19

Comm. Report 2-19

Floor 2nd reading & vote 2-21;4-8

Floor 3rd reading & vote 2-23;4-9

Senate Committee on Judiciary

Hearing date(s)* 3-26 3-27

Executive action (vote) date(s)* 3-27

Comm. Report 3-27

Floor 2nd reading & vote 3-30

Floor 3rd reading & vote 3-30

Conference or Free Conference Comm. _____ Yes X No

Hearing date(s)* _____

Executive action (vote) date(s)* _____

* Includes minutes, exhibits, roll call, visitors register, and vote sheet if available.

Did this bill originate in an interim committee? _____ Yes X No

Committee _____ Report _____

NOTES:



Compiled by: rg

Date: 2-1-16

HOUSE FINAL STATUS

4/03 SIGNED BY SPEAKER
 4/04 SIGNED BY PRESIDENT
 4/04 TRANSMITTED TO GOVERNOR
 4/09 SIGNED BY GOVERNOR
 CHAPTER NUMBER 434 EFFECTIVE DATE: 10/01/87

HB 738 INTRODUCED BY JENKINS, ET AL.
 ESTABLISH MONTANA AGRICULTURAL CENTER AND MUSEUM
 OF THE NORTHERN GREAT PLAINS

2/13 INTRODUCED
 2/13 REFERRED TO AGRICULTURE, LIVESTOCK &
 IRRIGATION
 2/18 HEARING
 2/18 COMMITTEE REPORT--BILL PASSED
 2/20 2ND READING PASSED 90 3
 2/21 3RD READING PASSED 88 4
 TRANSMITTED TO SENATE
 2/23 REFERRED TO AGRICULTURE, LIVESTOCK &
 IRRIGATION
 3/11 HEARING
 3/12 COMMITTEE REPORT--BILL CONCURRED
 3/17 2ND READING CONCURRED 48 0
 3/19 3RD READING CONCURRED 49 0
 RETURNED TO HOUSE
 3/23 SIGNED BY SPEAKER
 3/23 SIGNED BY PRESIDENT
 3/24 TRANSMITTED TO GOVERNOR
 3/27 SIGNED BY GOVERNOR
 CHAPTER NUMBER 255 EFFECTIVE DATE: 10/01/87

HB 739 INTRODUCED BY JENKINS
 EXEMPT CERTAIN CLASS FOURTEEN IMPROVEMENTS AND ANY
 ADDITION TO OR EXPANSION, REMODELING, OR
 RECONSTRUCTION OF IMPROVEMENTS TO CLASS
 FOURTEEN OR CLASS FOUR PROPERTY

2/13 INTRODUCED
 2/13 REFERRED TO TAXATION
 2/13 FISCAL NOTE REQUESTED
 2/19 FISCAL NOTE RECEIVED
 3/06 HEARING
 3/16 TABLED IN COMMITTEE

HB 740 INTRODUCED BY COBB, ET AL.
 ACCOUNTING FOR AND DISTRIBUTING FINES, ETC. IN
 JUSTICE COURTS

2/13 INTRODUCED
 2/13 REFERRED TO JUDICIARY
 2/13 FISCAL NOTE REQUESTED
 2/19 HEARING
 2/19 COMMITTEE REPORT--BILL PASSED AS AMENDED
 2/21 2ND READING PASSED 89 4
 2/23 FISCAL NOTE RECEIVED
 2/23 3RD READING PASSED 96 2
 TRANSMITTED TO SENATE
 3/02 REFERRED TO JUDICIARY
 3/26 HEARING

HOUSE FINAL STATUS

3/27	COMMITTEE REPORT--BILL CONCURRED AS AMENDED		
3/30	2ND READING CONCURRED	50	0
3/30	SEGREGATED FROM COMMITTEE OF WHOLE REPORT	50	0
3/30	2ND READING CONCURRED	50	0
3/30	3RD READING CONCURRED	50	0
	RETURNED TO HOUSE WITH AMENDMENTS		
4/08	2ND READING AMENDMENTS CONCURRED	90	0
4/09	3RD READING AMENDMENTS CONCURRED	96	0
4/14	SIGNED BY SPEAKER		
4/14	SIGNED BY PRESIDENT		
4/15	TRANSMITTED TO GOVERNOR		
4/20	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 557 EFFECTIVE DATE: 7/01/87		

HB 741 INTRODUCED BY HARP, ET AL.
REGULATION OF HEALTH SERVICE CORPORATIONS
BY REQUEST OF STATE AUDITOR

2/13	INTRODUCED		
2/13	REFERRED TO BUSINESS & LABOR		
2/13	REREFERRED TO TAXATION		
2/13	FISCAL NOTE REQUESTED		
2/17	FISCAL NOTE RECEIVED		
3/09	HEARING		
3/19	COMMITTEE REPORT--BILL PASSED AS AMENDED		
3/21	2ND READING PASSED	79	18
3/23	3RD READING PASSED	84	10
	TRANSMITTED TO SENATE		
3/24	REFERRED TO TAXATION		
3/25	REREFERRED TO BUSINESS & INDUSTRY		
3/27	HEARING		
3/27	COMMITTEE REPORT--BILL CONCURRED AS AMENDED		
3/30	2ND READING CONCURRED	49	1
3/30	3RD READING CONCURRED	47	3
	RETURNED TO HOUSE WITH AMENDMENTS		
4/08	2ND READING AMENDMENTS CONCURRED	88	3
4/09	3RD READING AMENDMENTS CONCURRED	91	6
4/14	SIGNED BY SPEAKER		
4/14	SIGNED BY PRESIDENT		
4/15	TRANSMITTED TO GOVERNOR		
4/20	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 558 EFFECTIVE DATE: 1/01/88		

HB 742 INTRODUCED BY COBB
TERMINATING CERTAIN STATE SPECIAL REVENUE ACCOUNTS

2/14	INTRODUCED
2/14	REFERRED TO APPROPRIATIONS
2/14	FISCAL NOTE REQUESTED
2/20	HEARING
2/20	FISCAL NOTE RECEIVED
2/21	TABLED IN COMMITTEE

HB 743 INTRODUCED BY SALES, ET AL.
AMEND PROPERTY TAX AND ASSESSMENT SALE -- REDEMPTION
TIME BASED ON HOMESTEAD

2/14	INTRODUCED
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1 *House* BILL NO. *740*
 2 INTRODUCED BY *Cobb Va. Valkenburg Mearns Blaylock*
 3 *Park* *Bishop Miles* *Adair* *H. H. Homan* *Redden*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO RELIEVE JUSTICES OF
 5 THE PEACE FROM OVERLY BURDENSOME BOOKKEEPING AND OTHER
 6 ADMINISTRATIVE DUTIES IN REGARD TO FINES, PENALTIES, AND
 7 FORFEITURES PAID IN THEIR COURTS; TO REVISE THE METHOD OF
 8 DISTRIBUTING THE FINES, PENALTIES, AND FORFEITURES; AMENDING
 9 SECTIONS 3-10-601, 7-14-2138, 7-14-2826, 7-22-2117,
 10 7-22-2434, 7-23-105, 13-37-124, 13-37-129, 15-1-105,
 11 15-8-309, 15-70-101, 19-8-504, 20-7-504, 20-7-505, 20-9-331,
 12 20-9-332, 23-2-507, 23-2-644, 32-2-106, 33-2-312, 37-2-301,
 13 37-4-327, 37-7-324, 37-8-432, 37-10-313, 37-16-408,
 14 37-41-212, 39-71-201, 46-17-303, 46-18-235, 46-18-236,
 15 46-18-603, 50-1-204, 50-2-124, 50-52-105, 50-70-118,
 16 53-9-109, 61-8-718, 61-10-148, 61-11-104, 61-12-701,
 17 75-2-412, 75-5-634, 75-7-216, 75-10-418, 75-20-112,
 18 76-13-111, 76-13-114, 77-1-117, 80-3-613, 80-7-704,
 19 80-11-313, 81-3-231, 81-4-202, 81-4-621, 81-8-216, 81-8-279,
 20 81-23-403, 85-2-123, 85-3-213, 85-15-502, 87-1-601, AND
 21 87-4-808, MCA; REPEALING SECTION 3-10-603, MCA; AND
 22 PROVIDING AN EFFECTIVE DATE."
 23
 24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 25 Section 1. Section 3-10-601, MCA, is amended to read:

1 "3-10-601. Collection and disposition of fines,
 2 penalties, forfeitures, and fees ---itemized-statement. (1)
 3 Each justice of the peace shall collect the fees prescribed
 4 by law for justices' courts and shall pay them into the
 5 county treasury of the county wherein he holds office, on or
 6 before the 10th day of each month, to be credited to the
 7 general fund of the county.

8 {2}--He--shall--also--file--an--itemized--statement--showing
 9 all--fees--received--during--the--preceding--month--in--his--court--
 10 The--statement--shall--state--that--all--fees--required--by--law--to
 11 be--paid--during--the--preceding--month--in--connection--with
 12 matters--pending--before---the--court--have--been--paid--into--the
 13 county--treasury--and--listed--in--the--itemized--statement--and
 14 that--he--has--not--received--or--been--promised--nor--has--any--one
 15 else--received--or--been--promised--for--him--any--other--moneys,
 16 emolument--or--thing--by--virtue--of--or--in--connection--with--his
 17 office--The--statement--shall--be--subscribed--and--sworn--to--by
 18 the--justice--

19 {2} All fines, penalties, and forfeitures that this
 20 code requires to be imposed, collected, or paid in a
 21 justice's court must, for each calendar month, be paid by
 22 the justice's court on or before the 5th day of the
 23 following month to the treasurer of the county in which the
 24 justice's court is situated.

25 {3} The county treasurer shall, on or before the 10th

day of the month in which it is paid, distribute money received under subsection (2) as follows:

(a) 50% to the state treasurer; and

(b) 50% to the county general fund.

(4) The state treasurer shall distribute money received under subsection (3) as follows:

(a) 23% to the state general fund;

(b) 10% to the fish and game account in the state special revenue fund;

(c) 13% to the state highway account in the state special revenue fund;

(d) 36% to the traffic education account in the state special revenue fund;

(e) 1% to the department of livestock account in the state special revenue fund; and

(f) 17% to the crime victims compensation account in the state special revenue fund."

Section 2. Section 7-14-2138, MCA, is amended to read:

"7-14-2138. Prosecution by county attorney. (1) The county attorney, upon complaint of the road supervisor, county surveyor, or any other person, shall prosecute all actions provided in parts 21 through 28 in the name of the state of Montana.

(2) All penalties, except those paid to a justice's court, shall be paid into the general fund of the county."

Section 3. Section 7-14-2826, MCA, is amended to read:

"7-14-2826. Regulation of ferry operation -- penalties. (1) The board of commissioners may make all needful rules for the government of ferries and ferrykeepers prescribing:

(a) how many boats must be kept, their character, and how propelled;

(b) the number of hands, boatmen, or ferrymen to be employed and rules for their government;

(c) when and under what circumstances to make trips in the nighttime;

(d) who may be ferried free of toll;

(e) in what cases of danger or peril not to cross;

(f) penalties for violation of regulations;

(g) in case of steamboats, the rate of speed;

(h) the method of and preference in loading and crossing; and

(i) how and by whom action must be brought to recover penalties.

(2) Subject to the foregoing regulations, ferrykeepers must make trips to accommodate all passengers who desire to cross, and any failure to do so subjects the franchise to forfeiture by a proper proceeding for that purpose.

(3) The owner of every ferry must have the rates of toll, as fixed by the board, printed or written and posted

1 in some conspicuous place on or near the ferry.

2 (4) All ferrykeepers must keep the banks of the
3 streams or waters at the landings of their ferries graded
4 and in good order for the passage of vehicles. For every day
5 compliance herewith is neglected, \$25 is forfeited, to be
6 collected, except as provided in 3-10-601, for the use of
7 the road fund of the county."

8 Section 4. Section 7-22-2117, MCA, is amended to read:

9 "7-22-2117. Violations. (1) Any person who in any
10 manner interferes with the board or its authorized agent in
11 carrying out the provisions of this part or who refuses to
12 obey an order or notice of the board is guilty of a
13 misdemeanor, and upon conviction thereof, he shall be fined
14 not to exceed \$100 for the first offense and not less than
15 \$100 or more than \$200 for each subsequent offense.

16 (2) All fines, bonds, and penalties collected under
17 the provisions of this part, except those collected by a
18 justice's court, shall be paid to the county treasurer of
19 each county and placed by him to the credit of a fund to be
20 known as the noxious weed fund."

21 Section 5. Section 7-22-2434, MCA, is amended to read:

22 "7-22-2434. Disposition of fines, bonds, and
23 penalties. All fines, forfeited bonds, and penalties
24 collected under the provisions of this part, except those
25 collected by a justice's court, shall be paid to the county

1 treasurer of each county and placed by him to the credit of
2 the mosquito control fund."

3 Section 6. Section 7-23-105, MCA, is amended to read:

4 "7-23-105. Disposition of fines. All fines collected
5 under the provisions of this part and part 21, except those
6 collected by a justice's court, shall be paid into the
7 county treasury and shall be used to pay fees, salaries,
8 costs, or expenses for the enforcement of this part and part
9 21."

10 Section 7. Section 13-37-124, MCA, is amended to read:

11 "13-37-124. Consultation and cooperation with county
12 attorney. (1) Whenever the commissioner determines that
13 there appears to be sufficient evidence to justify a civil
14 or criminal prosecution under chapters 35, 36, or 37 of this
15 title, he shall notify the county attorney of the county in
16 which the alleged violation occurred and shall arrange to
17 transmit to the county attorney all information relevant to
18 the alleged violation. If the county attorney fails to
19 initiate the appropriate civil or criminal action within 30
20 days after he receives notification of the alleged
21 violation, the commissioner may then initiate the
22 appropriate legal action.

23 (2) A county attorney may, at any time prior to the
24 expiration of the 30-day time period specified in subsection
25 (1), waive his right to prosecute and thereby authorize the

1 commissioner to initiate the appropriate civil or criminal
2 action.

3 (3) The provisions of subsection (1) do not apply to a
4 situation in which the alleged violation has been committed
5 by the county attorney of a county. In this instance, the
6 commissioner is authorized to directly prosecute any alleged
7 violation of chapters 35, 36, or 37 of this title.

8 (4) If a prosecution is undertaken by the
9 commissioner, all court costs associated with the
10 prosecution shall be paid by the state of Montana, and all
11 fines and forfeitures imposed pursuant to a prosecution by
12 the commissioner, except those paid to or imposed by a
13 justice's court, shall be deposited in the state general
14 fund."

15 Section 8. Section 13-37-129, MCA, is amended to read:

16 "13-37-129. Liability and disposition of fines. In
17 determining the amount of liability under 13-37-128, the
18 court may take into account the seriousness of a violation
19 and the degree of culpability of the defendant. If a
20 judgment is entered against the defendant or defendants in
21 an action brought by a county attorney in a court other than
22 a justice's court, the county shall receive 50% of the
23 amount recovered. The remaining 50% shall be deposited in
24 the general fund of the state. In an action brought by the
25 commissioner in a court other than a justice's court, the

1 entire amount recovered shall be paid to the general fund of
2 the state."

3 Section 9. Section 15-1-105, MCA, is amended to read:

4 "15-1-105. Fines and forfeitures to county. All fines,
5 forfeitures, and penalties incurred by a violation of any of
6 the provisions of the state tax laws, except those paid to a
7 justice's court, must be paid into the treasury for the use
8 of the county where the person against whom the recovery is
9 had resides."

10 Section 10. Section 15-8-309, MCA, is amended to read:

11 "15-8-309. Violation and penalty. (1) Every person who
12 refuses to furnish the statement hereinbefore required or to
13 make and subscribe such affidavit respecting his name and
14 place of residence or to appear and testify when requested
15 so to do by the department, as above provided, for each and
16 every refusal and as often as the same is repeated forfeits
17 to the people of the state the sum of \$100 to be recovered
18 by action brought in the name of the state in any city or
19 justice's court.

20 (2) All moneys recovered under the provisions of this
21 section, except moneys paid to a justice's court, must be
22 paid into the treasury of the county in which the property
23 is located."

24 Section 11. Section 15-70-101, MCA, is amended to
25 read:

"15-70-101. Disposition of funds. All taxes, interest, and penalties collected under this chapter, except those collected by a justice's court, shall be turned over promptly to the state treasurer, who shall place the same in the state special revenue fund to the credit of the department of highways. Those funds hereinbelow allocated to cities, towns, and counties shall be paid by the department of highways from the state special revenue fund to such cities, towns, and counties.

(1) \$14,000,000 of the funds collected under this chapter, except those collected by a justice's court, is statutorily appropriated, as provided in 17-7-502, to the department of highways and shall be allocated each fiscal year on a monthly basis to the counties and incorporated cities and towns in Montana for construction, reconstruction, maintenance, and repair of rural roads and city or town streets and alleys, as provided in subsections (a) and (b) hereof:

(a) \$6,350,000 shall be divided among the various counties in the following manner:

(i) 40% in the ratio that the rural road mileage in each county, exclusive of the federal-aid interstate system and the federal-aid primary system, bears to the total rural road mileage in the state, exclusive of the federal-aid interstate system and the federal-aid primary system;

(ii) 40% in the ratio that the rural population in each county outside incorporated cities and towns bears to the total rural population in the state outside incorporated cities and towns;

(iii) 20% in the ratio that the land area of each county bears to the total land area of the state;

(b) \$7,650,000 shall be divided among the incorporated cities and towns in the following manner:

(i) 50% of the sum in the ratio that the population within the corporate limits of the city or town bears to the total population within corporate limits of all the cities and towns in Montana;

(ii) 50% in the ratio that the city or town street and alley mileage, exclusive of the federal-aid interstate system and the federal-aid primary system, within corporate limits bears to the total street and alley mileage, exclusive of the federal-aid interstate system and federal-aid primary system, within the corporate limits of all cities and towns in Montana.

(2) All funds hereby allocated to counties, cities, and towns shall be used for the construction, reconstruction, maintenance, and repair of rural roads, city or town streets and alleys or for the share which such city, town, or county might otherwise expend for proportionate matching of federal funds allocated for the construction of

1 roads or streets which are part of the federal-aid primary
2 or secondary highway system or urban extensions thereto,
3 except that the governing body of a town or third-class
4 city, as defined in 7-1-4111, may each year expend no more
5 than 25% of the funds allocated to that town or third-class
6 city for the purchase of capital equipment and supplies to
7 be used for the maintenance and repair of town or
8 third-class city streets and alleys.

9 (3) Upon receipt of the allocation provided herein,
10 the governing bodies of the recipient counties, cities, and
11 towns shall inform the department of highways of the
12 purposes for which the funds will be expended so that the
13 county commissioners, the governing body, and the department
14 of highways may coordinate the expenditure of public funds
15 for road improvements.

16 (4) All funds hereby allocated to counties, cities,
17 and towns shall be disbursed to the lowest responsible
18 bidder according to applicable bidding procedures followed
19 in all cases where the contract for construction,
20 reconstruction, maintenance, or repair is in excess of
21 \$4,000.

22 (5) For the purposes of this section where
23 distribution of funds is made on a basis related to
24 population, the population shall be determined by the last
25 preceding official federal census.

1 (6) For the purposes of this section where
2 determination of mileage is necessary for distribution of
3 funds, it shall be the responsibility of the cities, towns,
4 and counties to furnish to the department of highways a
5 yearly certified statement indicating the total mileage
6 within their respective areas applicable to this chapter.
7 All mileage submitted shall be subject to review and
8 approval by the department of highways.

9 (7) Except by a town or third-class city as provided
10 in subsection (2), none of the funds authorized by this
11 section shall be used for the purchase of capital equipment.

12 (8) Funds authorized by this section shall be used for
13 construction and maintenance programs only."

14 Section 12. Section 19-8-504, MCA, is amended to read:

15 "19-8-504. State's contribution. Each month the state
16 treasurer shall pay to the account, out of the department of
17 fish, wildlife, and parks moneys, a sum equal to 7.15% of
18 the total of all members' salaries, and out of the moneys
19 collected as fines and forfeited bonds under the provisions
20 of 87-1-601 or moneys distributed under 3-10-601(4), all
21 such collections are statutorily appropriated to the account
22 until the unfunded liability in the account is solvent and a
23 verification statement to that effect is given to the state
24 treasurer by the board."

25 Section 13. Section 20-7-504, MCA, is amended to read:

"20-7-504. State traffic education account -- proceeds earmarked for the account. (1) There is a traffic education account in the treasury of the state of Montana. There shall be paid into this account a portion of the fines and forfeitures collected in any court except a justice's court from persons apprehended or arrested by highway patrol officers or department of highways peace officers for any violation of chapter 3, part 1 of chapter 4, or chapters 5 through 10 of Title 61 relating to the operation or use of motor vehicles in the following amounts:

- (a) if a fine is imposed, 25% of the fine imposed;
- (b) if multiple offenses are involved, 25% of the total sum of all fines imposed;
- (c) if a fine is suspended, in whole or in part, 25% of the fine actually paid; and
- (d) if any deposit of bail is made for an offense to which this section applies and the bail is forfeited, 25% of the forfeited bail.

(2) A portion of all money from the collection of fees from driver's licenses, motorcycle endorsements, and duplicate driver's licenses shall be contributed to the traffic education account as provided in 61-5-121."

Section 14. Section 20-7-505, MCA, is amended to read:

"20-7-505. Transmittal of proceeds from fines and other sources. (1) The portion of the proceeds from fines

and bail forfeitures, except those paid to a justice's court, which are to be deposited in the traffic education account shall be transmitted to the county treasurer by the court collecting them, in the manner and at the times that fines and bail forfeitures are transmitted to the county treasurer under law. The court shall indicate what portion of each fine is to be credited to the traffic education account. The county treasurer shall transmit monthly to the state treasurer, without deduction, the portions of the fines received, except those paid to a justice's court, which are to be credited to the traffic education account.

(2) When a court is required to transmit fees, fines, and forfeitures directly to the state treasurer, the gross proceeds including the portion of the fines to be credited to the traffic education account shall be transmitted to the state treasurer and the appropriate portion shall be deposited in the traffic education account."

Section 15. Section 20-9-331, MCA, is amended to read:

"20-9-331. Basic county tax and other revenues for county equalization of the elementary district foundation program. (1) It shall be the duty of the county commissioners of each county to levy an annual basic tax of 28 mills on the dollars of the taxable value of all taxable property within the county for the purposes of local and state foundation program support. The revenue to be

collected from this levy shall be apportioned to the support of the foundation programs of the elementary school districts in the county and to the state special revenue fund, state equalization aid account, in the following manner:

(a) In order to determine the amount of revenue raised by this levy which is retained by the county, the sum of the estimated revenues identified in subsection (2) below shall be subtracted from the sum of the county elementary transportation obligation and the total of the foundation programs of all elementary districts of the county.

(b) If the basic levy prescribed by this section produces more revenue than is required to finance the difference determined above, the county treasurer shall remit the surplus funds to the state treasurer for deposit to the state special revenue fund, state equalization aid account, immediately upon occurrence of a surplus balance and each subsequent month thereafter, with any final remittance due no later than June 20 of the fiscal year for which the levy has been set.

(2) The proceeds realized from the county's portion of the levy prescribed by this section and the revenues from the following sources shall be used for the equalization of the elementary district foundation programs of the county as prescribed in 20-9-334, and a separate accounting shall be

kept of such proceeds and revenues by the county treasurer in accordance with 20-9-212(1):

(a) the portion of the federal Taylor Grazing Act funds distributed to a county and designated for the common school fund under the provisions of 17-3-222;

(b) the portion of the federal flood control act funds distributed to a county and designated for expenditure for the benefit of the county common schools under the provisions of 17-3-232;

(c) all money paid into the county treasury as a result of fines for violations of law, except money paid to a justice's court, and the use of which is not otherwise specified by law;

(d) any money remaining at the end of the immediately preceding school fiscal year in the county treasurer's account for the various sources of revenue established or referred to in this section;

(e) any federal or state money, including anticipated or reappropriated motor vehicle fees and reimbursement under the provisions of 61-3-532 and 61-3-536, distributed to the county as payment in lieu of the property taxation established by the county levy required by this section; and

(f) net proceeds taxes for new production, as defined in 15-23-601."

Section 16. Section 20-9-332, MCA, is amended to read:

1 "20-9-332. Fines and penalties proceeds for elementary
 2 county equalization. All fines and penalties collected under
 3 the provisions of this title, ~~shall be collected by the~~
 4 ~~action of a court of competent jurisdiction and except those~~
 5 ~~collected by a justice's court,~~ shall be paid into the
 6 county elementary equalization fund as provided by
 7 20-9-331(2)(c). In order to implement this section and any
 8 other provision of law requiring the deposit of fines in the
 9 elementary county equalization fund, ~~the following reports~~
 10 ~~a report~~ shall be made to the county superintendent of the
 11 county, ~~in which each court or justice of the peace shall~~
 12 ~~have jurisdiction:~~

13 ~~{1}--during the month of September, each justice of the~~
 14 ~~peace shall report all fines imposed--and--collected--during~~
 15 ~~the preceding year, indicating the type of violation and the~~
 16 ~~date of collection, and~~

17 ~~{2} at the close of each term, by the clerk of each~~
 18 ~~district court, shall report reporting~~ all fines imposed and
 19 collected during the term, and indicating the type of
 20 violation and the date of collection."

21 Section 17. Section 23-2-507, MCA, is amended to read:

22 "23-2-507. Penalty. Violations of any section of this
 23 part, except ~~subsection {3} of~~ 23-2-526(3), unless otherwise
 24 specified shall be a misdemeanor and be punishable by fine
 25 of not less than \$15 or more than \$500 or by imprisonment up

1 to 6 months or by both such fine and imprisonment. All fine
 2 and bond forfeitures, except those paid to a justice's
 3 court, shall be transmitted to the state treasurer, who
 4 shall deposit such fines and forfeitures in the motorboat
 5 account of an earmarked fund. The moneys shall be used only
 6 by the department for enforcement of this part, as amended."

7 Section 18. Section 23-2-644, MCA, is amended to read:

8 "23-2-644. Use of funds from fines and forfeitures.
 9 All fines and forfeitures collected under this part relating
 10 to snowmobiles, except those collected by a justice's court,
 11 shall be transmitted to the state treasurer, who shall
 12 deposit such fines and forfeitures in the state special
 13 revenue fund to the credit of the department to be used only
 14 for snowmobile safety and education."

15 Section 19. Section 32-2-106, MCA, is amended to read:

16 "32-2-106. Penalties. (1) It shall be unlawful for any
 17 association, whether foreign or domestic and whether
 18 citizens of this state or otherwise, to do business or
 19 attempt to do business, as defined in this chapter, without
 20 having first complied with its provisions and having
 21 received a certificate of authority to do business from the
 22 department. Any such association violating any of the
 23 provisions of this chapter and failing to comply with any of
 24 its provisions shall be fined not less than \$250 or more
 25 than \$1,000 for each and every such violation, to be

1 recovered by an action in the name of the state and on
2 collection, except when collected by a justice's court, paid
3 into the state treasury.

4 (2) Any person or persons, whether citizens of this
5 state or otherwise, who aid or assist any such association
6 to do business contrary to the provisions of this chapter
7 without having first complied with all of its provisions
8 shall be guilty of a misdemeanor and on conviction thereof
9 shall be fined not more than \$500 or imprisoned not more
10 than 6 months, or both."

11 Section 20. Section 33-2-312, MCA, is amended to read:

12 "33-2-312. Penalty for failure to file statement or
13 pay tax. Every surplus line agent who fails to make and file
14 the annual statement as required under 33-2-310 or to pay
15 the taxes as required under 33-2-311 shall be liable to a
16 penalty of \$25 for each day of delinquency, commencing with
17 April 1. The tax and penalty may be recovered in an action
18 instituted by the commissioner in the name of the state in
19 any court of competent jurisdiction, the attorney general
20 representing him. The penalty when collected, unless
21 collected by a justice's court, shall be paid to the state
22 treasurer and placed to the credit of the general fund. The
23 surplus line agent's license shall also be subject to
24 revocation as provided in 33-2-313."

25 Section 21. Section 37-2-301, MCA, is amended to read:

1 "37-2-301. Duty to report cases of communicable
2 disease. (1) If a physician or other practitioner of the
3 healing arts examines or treats a person whom he believes
4 has a communicable disease or a disease declared reportable
5 by the department of health and environmental sciences, he
6 shall immediately report the case to the local health
7 officer. The report shall be in the form and contain
8 information prescribed by the department.

9 (2) A person who violates the provisions of this
10 section or rules adopted by the department under the
11 provisions of this section is guilty of a misdemeanor. On
12 conviction, he shall be fined not less than \$10 or more than
13 \$500, imprisoned for not more than 90 days, or both. Each
14 day of violation constitutes a separate offense. Fines,
15 except those collected by a justice's court, shall be paid
16 to the county treasurer of the county in which the violation
17 occurs."

18 Section 22. Section 37-4-327, MCA, is amended to read:

19 "37-4-327. Practicing dentistry without certificate --
20 penalty. (1) A person who, as principal, agent, employer,
21 employee, or assistant, practices dentistry or who does an
22 act of dentistry without having first secured a certificate
23 to practice dentistry from the department entitling him to
24 practice in this state is guilty of a misdemeanor and on
25 conviction in a district court may be fined not less than

1 \$500 or more than \$1,000 or be confined for a period not
2 exceeding 6 months in the county jail.

3 (2) Fines imposed and collected under this chapter,
4 except those paid to a justice's court, shall be paid into
5 the treasury of the county in which the suits, actions, or
6 proceedings are commenced. Money paid into the treasury over
7 and above the amount necessary to reimburse the county for
8 expense incurred by the county in a suit, action, or
9 proceeding brought under this chapter shall be deposited
10 before January 1 of each year in the state special revenue
11 fund for the use of the board, subject to 37-1-101(6)."

12 Section 23. Section 37-7-324, MCA, is amended to read:

13 "37-7-324. Deposit of fees and fines. Fines paid under
14 this chapter, except those paid to a justice's court, and
15 fees collected by the department for registration and
16 licenses issued under this chapter shall be deposited in the
17 state special revenue fund for the use of the board, subject
18 to 37-1-101(6)."

19 Section 24. Section 37-8-432, MCA, is amended to read:

20 "37-8-432. Deposit of fees. Fees and fines collected
21 by the department under this chapter, except those collected
22 by a justice's court, shall be deposited in the state
23 special revenue fund for the use of the board, subject to
24 37-1-101(6)."

25 Section 25. Section 37-10-313, MCA, is amended to

1 read:

2 "37-10-313. Penalty for violations -- deposit of
3 fines. A person who violates this chapter, except 37-10-104,
4 or the rules of the board is guilty of a misdemeanor and on
5 conviction shall be fined not less than \$200 and not more
6 than \$500 or imprisoned in the county jail not exceeding 6
7 months or both fined and imprisoned. Fines collected, except
8 those collected by a justice's court, shall be deposited in
9 the state special revenue fund for the use of the board,
10 subject to 37-1-101(6)."

11 Section 26. Section 37-16-408, MCA, is amended to
12 read:

13 "37-16-408. Deposit of fees and fines. Fees and fines
14 collected under this chapter, except those collected by a
15 justice's court, shall be deposited in the state special
16 revenue fund for the use of the board, subject to
17 appropriations and 37-1-101(6)."

18 Section 27. Section 37-41-212, MCA, is amended to
19 read:

20 "37-41-212. Enforcement responsibility -- penalty --
21 deposit of fines. (1) State and local health officers shall
22 enforce this chapter.

23 (2) A person who violates this chapter or a rule of
24 the department is guilty of a misdemeanor and upon
25 conviction shall be fined not more than \$500.

1 (3) All fines collected under this section, except
2 those collected by a justice's court, shall be deposited in
3 the general fund of the county in which the action is
4 brought."

5 Section 28. Section 39-71-201, MCA, is amended to
6 read:

7 "39-71-201. Administration fund. (1) A workers'
8 compensation administration fund is established out of which
9 all costs of administering the Workers' Compensation and
10 Occupational Disease Acts and the various occupational
11 safety acts the division must administer are to be paid upon
12 lawful appropriation. The following moneys collected by the
13 division shall be deposited in the state treasury to the
14 credit of the workers' compensation administrative fund and
15 shall be used for the administrative expenses of the
16 division:

17 (a) all fees and fines penalties provided in 39-71-205
18 and 39-71-304;

19 (b) all fees paid for inspection of boilers and
20 issuance of licenses to operating engineers as required by
21 law;

22 (c) all fees paid from an assessment on each plan No.
23 1 employer, plan No. 2 insurer, and plan No. 3, the state
24 insurance fund. The assessments shall be levied against the
25 preceding calendar year's gross annual payroll of the plan

1 No. 1 employers and the gross annual direct premiums
2 collected in Montana on the policies of the plan No. 2
3 insurers, insuring employers covered under the chapter,
4 during the preceding calendar year. However, no assessment
5 of the plan No. 1 employer or plan No. 2 insurer shall be
6 less than \$200. The assessments shall be sufficient to fund
7 the direct costs identified to the three plans and an
8 equitable portion of the indirect costs based on the ratio
9 of the preceding fiscal year's indirect costs distributed to
10 the plans using proper accounting and cost allocation
11 procedures. Plan No. 3 shall be assessed an amount
12 sufficient to fund its direct costs and an equitable portion
13 of the indirect costs as referred to above. Other sources
14 of revenue, including unexpended funds from the preceding
15 fiscal year, shall be used to reduce the costs before
16 levying the assessments.

17 (2) The administration fund shall be debited with
18 expenses incurred by the division in the general
19 administration of the provisions of this chapter, including
20 the salaries of its members, officers, and employees and the
21 travel expenses of the members, officers, and employees, as
22 provided for in 2-18-501 through 2-18-503, as amended,
23 incurred while on the business of the division either within
24 or without the state.

25 (3) Disbursements from the administration money shall

1 be made after being approved by the division upon claim
2 therefor."

3 Section 29. Section 46-17-303, MCA, is amended to
4 read:

5 "46-17-303. Deposit of fines. All fines imposed and
6 collected by a justice's or city court must be paid to the
7 treasurer of the county, city, or town, as the case may be,
8 within 30 days after the receipt of the same. The justice or
9 city judge must take duplicate receipts therefor, one of
10 which he must deposit with the county, city, or town clerk,
11 as the case may be."

12 Section 30. Section 46-18-235, MCA, is amended to
13 read:

14 "46-18-235. Disposition of money collected as fines
15 and costs. The money collected by a court, except money
16 collected by a justice's court, as a result of the
17 imposition of fines or assessment of costs under the
18 provisions of 46-18-231 and 46-18-232 shall be paid to the
19 county general fund of the county in which the court is
20 held, except that:

21 (1) if the costs assessed include any district court
22 expense listed in 3-5-901, the money collected from
23 assessment of these costs must be paid to the department of
24 commerce for deposit into the state general fund to the
25 extent the expenses were paid by the state; and

1 (2) if the fine was imposed for a violation of Title
2 45, chapter 9, the court may order the money paid into the
3 drug forfeiture fund maintained under 44-12-206 for the law
4 enforcement agency which made the arrest from which the
5 conviction and fine arose."

6 Section 31. Section 46-18-236, MCA, is amended to
7 read:

8 "46-18-236. Imposition of charge upon conviction or
9 forfeiture -- administration. (1) Except as provided in
10 subsection (2), there must be imposed by all courts of
11 original jurisdiction on a defendant upon his conviction for
12 any conduct made criminal by state statute or upon
13 forfeiture of bond or bail a charge that is in addition to
14 other taxable court costs, fees, or fines, as follows:

15 (a) \$10 for each misdemeanor charge; and

16 (b) the greater of \$20 or 10% of the fine levied for
17 each felony charge.

18 (2) If a convicting court determines under 46-18-231
19 and 46-18-232 that the defendant is not able to pay the fine
20 and costs or that he is unable to pay within a reasonable
21 time, the court must waive payment of the charge imposed by
22 this section.

23 (3) The charge imposed by this section is not a fine
24 and must be imposed in addition to any fine and may not be
25 used in determining the jurisdiction of any court.

(4) When the payment of a fine is to be made in installments over a period of time, the charge imposed by this section must be collected from the first payment made and each subsequent payment as necessary if the first payment is not sufficient to cover the charge.

(5) The charges collected under subsection (1), except those collected by a justice's court, must be deposited with the appropriate local government finance officer or treasurer. If a city municipal court or city or town court is the court of original jurisdiction, the charges collected under subsection (1) must be deposited with the city or town finance officer or treasurer. If a justice's--court--or district court is the court of original jurisdiction, the charges collected under subsection (1) must be deposited with the county finance officer or treasurer. If the court of original jurisdiction is a court within a consolidated city-county government within the meaning of Title 7, chapter 3, the charges collected under subsection (1) must be deposited with the finance officer or treasurer of the consolidated government.

(6) (a) A city or town finance officer or treasurer may retain the charges collected under subsection (1) by a city municipal court or a city or town court and may use that money for the payment of salaries of the city or town attorney and his deputies.

(b) Each county finance officer or treasurer may retain the charges collected under subsection (1) by district ~~or-justices~~⁴ courts for crimes committed or alleged to have been committed within that county. The county finance officer or treasurer shall use the money for the payment of salaries of its deputy county attorneys and for the payment of other salaries in the office of the county attorney, and any funds not needed for such salaries may be used for the payment of any other county salaries."

Section 32. Section 46-18-603, MCA, is amended to read:

"46-18-603. Disposition of fines and forfeitures. All fines and forfeitures collected in any court except city courts must be applied to the payment of the costs of the case in which the fine is imposed or the forfeiture incurred. After such costs are paid, the residue, if not paid to a justice's court or otherwise provided by law, must be paid to the county treasurer of the county in which the court is held and by him credited as provided by law. If the fine or forfeiture is paid to the county treasurer, at the time of such payment there shall be filed with the county treasurer a complete statement showing the total of the fine or forfeiture received or incurred with an itemized statement of the costs incurred by the county in such action. The statement shall give the title of the cause and

1 be subscribed by the person or officer making such payment."

2 Section 33. Section 50-1-204, MCA, is amended to read:

3 "50-1-204. Quarantine measures. The department may
4 adopt and enforce quarantine measures against a state,
5 county, or municipality to prevent the spread of
6 communicable disease. A person who does not comply with
7 quarantine measures shall, on conviction, be fined not less
8 than \$10 or more than \$100. Receipts from fines, except
9 justice's court fines, shall be deposited in the state
10 general fund."

11 Section 34. Section 50-2-124, MCA, is amended to read:

12 "50-2-124. Penalties for violations. (1) A person who
13 does not comply with rules adopted by a local board is
14 guilty of a misdemeanor. On conviction, he shall be fined
15 not less than \$10 or more than \$200.

16 (2) Except as provided in subsection (1) of this
17 section and 50-2-123, a person who violates the provisions
18 of this chapter or rules adopted by the department under the
19 provisions of this chapter is guilty of a misdemeanor. On
20 conviction, he shall be fined not less than \$10 or more than
21 \$500, imprisoned for not more than 90 days, or both.

22 (3) Each day of violation constitutes a separate
23 offense.

24 (4) Fines, except justice's court fines, shall be paid
25 to the county treasurer of the county in which the violation

1 occurs."

2 Section 35. Section 50-52-105, MCA, is amended to
3 read:

4 "50-52-105. Violation of chapter a misdemeanor. (1) A
5 person violating a provision of this chapter or a rule made
6 under it shall be guilty of a misdemeanor and upon
7 conviction shall be fined not less than \$50 or more than
8 \$100 for the first offense and not less than \$75 or more
9 than \$200 for the second offense, and for the third and
10 subsequent offenses, he shall be punished by a fine of not
11 less than \$200 and imprisonment in the county jail not to
12 exceed 90 days.

13 (2) Fines, except justice's court fines, shall be paid
14 to the county treasurer of the county in which the
15 establishment is located. The county treasurer shall send
16 all fines collected to the state treasurer for deposit in
17 the state general fund."

18 Section 36. Section 50-70-118, MCA, is amended to
19 read:

20 "50-70-118. Penalty. (1) A person who violates this
21 chapter relating to limitations of levels, concentrations,
22 or quantities of emissions of various pollutants from a
23 source determined to be necessary to prevent, abate, or
24 control occupational diseases (unless in compliance with
25 this chapter) is guilty of an offense and subject to a fine

1 not to exceed \$1,000. Each day of violation constitutes a
2 separate offense.

3 (2) Proceedings under this section are not a bar to
4 enforcement of this chapter or of rules or orders made under
5 it by injunction or other appropriate remedy. The department
6 may institute and maintain in the name of the state these
7 enforcement proceedings.

8 (3) This chapter does not abridge, limit, impair,
9 create, enlarge, or otherwise affect substantively or
10 procedurally the right of a person to damage or other relief
11 on account of injury to persons or property and to maintain
12 an action or other appropriate proceeding.

13 (4) Fines collected, except those collected by a
14 justice's court, shall be deposited to the state general
15 fund."

16 Section 37. Section 53-9-109, MCA, is amended to read:

17 "53-9-109. Crime victims compensation account. There
18 is a crime victims compensation account in the state special
19 revenue fund. There shall be paid into this account 18% of
20 the fines assessed and bails forfeited, except those paid to
21 a justice's court, on all offenses involving a violation of
22 chapter 3, part 1 of chapter 4, or chapters 5 through 10 of
23 title 61, that are a result of citations or tickets issued
24 by the highway patrol."

25 Section 38. Section 61-8-718, MCA, is amended to read:

1 "61-8-718. Penalty for violation of fuel conservation
2 speed limit. (1) A person violating the speed limit imposed
3 pursuant to 61-8-304 is guilty of the offense of unnecessary
4 waste of a resource and upon conviction shall be fined \$5,
5 and no jail sentence may be imposed. Bond for this offense
6 shall be \$5.

7 ~~{2}--Per the purpose of this section only, the fees of~~
8 ~~the justice's court shall be the balance of the fine not~~
9 ~~otherwise allocated by law and shall be remitted as set~~
10 ~~forth in 3-18-603{3}.~~

11 {3}(2) A violation of 61-8-304 is not a misdemeanor
12 pursuant to 45-2-101, 61-8-104, or 61-8-711."

13 Section 39. Section 61-10-148, MCA, is amended to
14 read:

15 "61-10-148. Disposition of fines and forfeited bonds.
16 Except as provided in 61-12-701, one-half of all the money
17 collected as fines and forfeited bonds for violations of
18 Title 61, chapter 10, must be remitted monthly by the county
19 treasurer to the state treasurer for deposit in the state
20 highway account in the state special revenue fund. The
21 remaining half, less the deductions required by law, must be
22 deposited in the county road fund. This section does not
23 apply to fines and forfeited bonds paid to justices'
24 courts."

25 Section 40. Section 61-11-104, MCA, is amended to

1 read:

2 "61-11-104. Reports by justices of the peace and
3 county---treasurers. Justices of the peace and--county
4 treasurers shall furnish make available to the department
5 ~~statements--of--all--fees--fines--and--forfeitures--and~~ records
6 of cases which involve the state highway patrol as the
7 department may request."

8 Section 41. Section 61-12-701, MCA, is amended to
9 read:

10 "61-12-701. Disposition of fines and forfeitures. {1}
11 All fines and forfeitures collected in any court, except a
12 justice's court, for violation of the laws and regulations
13 relating to the use of state highways and the operation of
14 vehicles thereon, if the apprehension or arrest was by a
15 highway patrolman, must be paid to the state treasurer and
16 by him credited to the general fund of the state or, if the
17 apprehension or arrest was by a sheriff or deputy sheriff,
18 must be paid to the county treasurer for deposit in the
19 county general fund, except for that portion of the fines
20 otherwise allocated by law which must be paid into the
21 appropriate accounts in the state special revenue fund.

22 {2}--~~At--the--time--of--payment--of--the--fine--or--forfeiture,~~
23 ~~there--must--be--filed--with--the--appropriate--treasurer--a~~
24 ~~complete--statement--showing--the--total--of--the--fines--or~~
25 ~~forfeitures--received--or--incurred,--giving--the--title--of--the~~

1 ~~court--and--cause,--and--subscribed--to--by--the--person--or--officer~~
2 ~~making--the--payments."~~

3 Section 42. Section 75-2-412, MCA, is amended to read:

4 "75-2-412. Criminal penalties -- injunction preserved.

5 (1) A person who violates this chapter or a rule, order, or
6 permit made or issued under it, other than 75-2-105, is
7 guilty of an offense and subject to a fine not to exceed
8 \$1,000. Each day of violation constitutes a separate
9 offense.

10 (2) A person who willfully violates 75-2-105 is guilty
11 of an offense and subject to a fine not to exceed \$1,000.

12 (3) Fines collected, except those collected in a
13 justice's court, shall be deposited to the state general
14 fund.

15 (4) Action under this section is not a bar to
16 enforcement of this chapter or of a rule, order, or permit
17 made or issued under it by injunction or other appropriate
18 remedy. The department may institute and maintain in the
19 name of the state any enforcement proceedings."

20 Section 43. Section 75-5-634, MCA, is amended to read:

21 "75-5-634. Fines to go to general fund. Fines
22 collected, except those collected in a justice's court,
23 shall be deposited to the state general fund."

24 Section 44. Section 75-7-216, MCA, is amended to read:

25 "75-7-216. Penalty. (1) A person who violates an order

1 issued under this part or who knowingly violates a
2 regulation made under this part commits a misdemeanor and on
3 conviction may be sentenced to 30 days in the county jail or
4 fined \$500, or both.

5 (2) Fines collected under this section, except those
6 collected in a justice's court, shall be paid to the general
7 fund of the county where the offense was committed for the
8 purpose of administering this part."

9 Section 45. Section 75-10-418, MCA, is amended to
10 read:

11 "75-10-418. Criminal penalties. (1) Any person who
12 knowingly transports any hazardous waste to an unpermitted
13 facility; who treats, stores, or disposes of hazardous waste
14 without a permit; or who makes any false statement or
15 representation in any application, label, manifest, record,
16 report, permit, or other document filed or maintained as
17 required by the provisions of this part or rules made under
18 this part is subject to a fine not to exceed \$10,000 for
19 each violation or imprisonment not to exceed 6 months, or
20 both. A person convicted for a violation of this section
21 after a first conviction under this section is subject to a
22 fine not to exceed \$20,000 for each violation or
23 imprisonment not to exceed 1 year, or both. Each day of
24 violation constitutes a separate violation.

25 (2) Action under this section does not bar enforcement

1 of this part, rules made under this part, orders of the
2 department or the board, or permits by injunction or other
3 appropriate remedy.

4 (3) Money collected under this section, except money
5 collected in a justice's court, shall be deposited in the
6 state general fund."

7 Section 46. Section 75-20-112, MCA, is amended to
8 read:

9 "75-20-112. Money to state special revenue fund. All
10 fees, taxes, fines, and penalties collected under this
11 chapter, except those collected by a justice's court, shall
12 be deposited in the state special revenue fund for use by
13 the department in carrying out its functions and
14 responsibilities under this chapter."

15 Section 47. Section 76-13-111, MCA, is amended to
16 read:

17 "76-13-111. Permissible expenditures. (1) The
18 following funds may be expended as directed by the
19 department for fire prevention, detection, suppression and
20 for forest range, water, and soil conservation:

21 (a) all moneys collected by county treasurers as
22 assessments on forest lands for forest protection;

23 (b) moneys collected for the abatement of public
24 nuisances;

25 (c) all fines collected, except those collected in a

1 justice's court, for violations of this part or part 2;

2 (d) the state's share of the cooperative fire
3 protection funds allocated by the federal government;

4 (e) any other funds provided for the purposes herein
5 indicated.

6 (2) All other cooperative funds collected,
7 appropriated, or allocated for the use of the department,
8 including funds for the removal of slash hazards resulting
9 from logging or other wood operations on state and private
10 forest lands, those provided for the purpose of helping to
11 maintain the maximum productivity of the forests of the
12 state, those provided for purposes designed to assist the
13 farmers of the state in the establishment of windbreaks and
14 woodlots in localities where those forest plantings are
15 helpful, and funds for other cooperative work, may not be
16 expended except for the specific purposes for which they
17 were collected, appropriated, or allocated."

18 Section 48. Section 76-13-114, MCA, is amended to
19 read:

20 "76-13-114. Disposition of fines. Fines collected in a
21 court of the state under this part or part 2, except those
22 collected in a justice's court, shall be transferred to the
23 state treasurer for deposit in the agency fund. Whenever a
24 person is convicted in any court of a violation of this part
25 or part 2, the court may levy and collect as costs in the

1 case the amount necessary to compensate the county for the
2 expenditures made in and for the prosecution of the
3 offender. These costs when collected, except those collected
4 in a justice's court, shall be deposited by the court with
5 the proper county treasurer for the benefit of the county."

6 Section 49. Section 77-1-117, MCA, is amended to read:

7 "77-1-117. Disposition of fines. Unless otherwise
8 provided, all money received as fines, fees, and forfeitures
9 under this title or as penalties for the violation of any of
10 the land laws of this state, except money received by a
11 justice's court, shall be paid to the state treasurer and by
12 him deposited to the credit of the general fund."

13 Section 50. Section 80-3-613, MCA, is amended to read:

14 "80-3-613. Violation -- penalty. A person who violates
15 this part, fails to comply with rules adopted under this
16 part, or fails to obey an order of the department made under
17 this part is guilty of a misdemeanor and shall be fined not
18 less than \$25 or more than \$500, imprisoned in the county
19 jail for not more than 6 months, or both fined and
20 imprisoned. The fine, except a fine paid to a justice's
21 court, shall be paid into the state treasury and deposited
22 as provided in 80-3-612."

23 Section 51. Section 80-7-704, MCA, is amended to read:

24 "80-7-704. Disposition of fines and inspection fees.
25 All fines levied as provided in 80-7-703, except fines paid

1 to a justice's court, and all fees collected from
 2 inspections shall be deposited with the state treasurer to
 3 the credit of the state special revenue fund for the use of
 4 the department for the purpose of administering and
 5 enforcing 80-7-701 through 80-7-704."

6 Section 52. Section 80-11-313, MCA, is amended to
 7 read:

8 "80-11-313. Penalty. In addition to the penalty
 9 specified in 80-11-312, any person who violates or aids in a
 10 violation of any of the provisions of this part or any of
 11 the rules or orders of the department adopted under this
 12 part, upon conviction thereof, is punishable by a fine not
 13 to exceed \$500. All fines collected, except fines collected
 14 by a justice's court, shall be deposited as provided in
 15 80-11-310."

16 Section 53. Section 81-3-231, MCA, is amended to read:

17 "81-3-231. Penalties. (1) A person is guilty of a
 18 misdemeanor and is punishable as provided in subsection (6)
 19 of this section if he removes livestock or causes livestock
 20 to be removed from a county in this state:

21 (a) without having the livestock inspected before
 22 removal if an inspection is required by law;

23 (b) without obtaining a market consignment permit or
 24 transportation permit if the permits are required by law;

25 (c) and does obtain a market consignment permit for

1 livestock but does not deliver the livestock transported
 2 thereunder to the livestock market designated in the market
 3 consignment permit;

4 (d) and does obtain a transportation permit for the
 5 livestock but does not deliver the livestock transported
 6 thereunder to the destination as shown on the transportation
 7 permit and fails to have the livestock so transported
 8 inspected at the point of destination or does not file a
 9 loading tally with the carrier as provided in 81-4-607.

10 (2) A person who sells livestock or offers livestock
 11 for sale at a livestock market without having the livestock
 12 inspected or removes livestock or causes livestock to be
 13 removed from a livestock market without obtaining a release
 14 is guilty of a misdemeanor and is punishable as provided in
 15 subsection (6) of this section.

16 (3) A person who ships by railroad carrier and the
 17 railroad carrier transporting livestock for which a loading
 18 tally has been filed as provided by 81-4-607 and for which
 19 shipment of livestock an inspection has not been made which
 20 after shipment causes or permits the livestock to leave the
 21 custody of the railroad carrier at a place other than where
 22 this state regularly maintains a stock inspector is guilty
 23 of a misdemeanor and is punishable as provided in subsection
 24 (6) of this section.

25 (4) A person who has in his charge livestock being

1 removed from a county in the state for which an inspection
 2 certificate, a market consignment permit, or a market
 3 release certificate has been issued and fails to have in his
 4 possession accompanying the livestock the inspection
 5 certificate, market consignment permit, or a market release
 6 certificate as issued for the livestock, or who, having the
 7 certificate of inspection, market consignment permit, or
 8 market release certificate, fails to exhibit it to a
 9 sheriff, deputy sheriff, constable, gross vehicle weight
 10 enforcement officer, highway patrolman, state stock
 11 inspector, or deputy state stock inspector at his request is
 12 guilty of a misdemeanor and is punishable as provided in
 13 subsection (6) of this section.

14 (5) Except as specifically otherwise provided, a
 15 person violating any of the provisions of this part is
 16 guilty of a misdemeanor and is punishable as provided in
 17 subsection (6) of this section.

18 (6) Upon conviction under this section, a person,
 19 firm, association, or corporation shall be fined not less
 20 than \$50 or more than \$500 or imprisoned in the county jail
 21 for a period of not more than 6 months or both fined and
 22 imprisoned. Of all fines assessed and collected under this
 23 section, except those assessed and collected in a justice's
 24 court, 50% shall be paid into the state treasury and
 25 credited to the state special revenue fund for the use of

1 the department and 50% shall be paid into the general fund
 2 of the county in which the conviction occurred."

3 Section 54. Section 81-4-202, MCA, is amended to read:

4 "81-4-202. Penalties. (1) Any person violating
 5 81-4-201 shall be deemed guilty of a misdemeanor, and upon
 6 conviction thereof shall be fined in the sum of \$10 for the
 7 first offense and in the sum of \$20 for each subsequent
 8 offense and shall be liable in damage to any party injured
 9 thereby, to be recovered in any court having competent
 10 jurisdiction.

11 (2) All fines collected under the provisions of this
 12 section, except those collected in a justice's court, shall
 13 be paid into the county treasury for the use and benefit of
 14 the public schools."

15 Section 55. Section 81-4-621, MCA, is amended to read:

16 "81-4-621. Penalties. (1) Any person who shall, for
 17 his own use or benefit and without the owner's consent, take
 18 into his possession any estray shall be guilty of a
 19 misdemeanor and shall be punishable by a fine of not less
 20 than \$25 or more than \$100 or by imprisonment in the county
 21 jail not exceeding 60 days or by both such fine and
 22 imprisonment.

23 (2) Every person, agent, firm, or corporation
 24 violating the provisions of 81-4-607 shall be deemed guilty
 25 of a misdemeanor and upon conviction thereof shall be fined

1 in any sum not exceeding \$300 or imprisoned in the county
2 jail not to exceed 6 months or both fined and imprisoned.

3 (3) Any person, agent, firm, corporation, pool, or
4 roundup association who shall ship cattle from this state
5 and shall fail to make such inspection or tally at point of
6 loading or who shall fail to file a true and correct tally,
7 to the best of his knowledge and belief, of all the brands
8 of cattle in such shipment with the railroad agent at the
9 point of shipment or who shall fail to forward a true and
10 correct copy, duly signed by him as party making the
11 shipment, to the stock inspector at point of destination or
12 any person who shall accompany a shipment of cattle as the
13 shipper in charge from this state and shall fail to take a
14 description of any and every animal taken out in transit and
15 hand such description to the stock inspector at point of
16 destination or any stock inspector at market points who
17 shall fail to make inspection as provided in 81-4-609 shall
18 be deemed guilty of a misdemeanor and shall be subject to a
19 fine of not less than \$50 or more than \$500 for each and
20 every offense. The fines so collected, except those
21 collected in a justice's court, shall be turned into the
22 general fund of the county where conviction is had, and any
23 stock inspector, sheriff, or other police officer shall have
24 power to make arrests to enforce the provisions of this
25 part."

1 Section 56. Section 81-8-216, MCA, is amended to read:

2 "81-8-216. Penalties. (1) A person who violates any
3 provision of 81-8-214, 81-8-215, and 81-8-251 through
4 81-8-263 or rules adopted by the department under 81-8-231
5 is guilty of a misdemeanor and upon conviction shall be
6 fined not less than \$100 or more than \$600, imprisoned in
7 the county jail not less than 30 days or more than 6 months,
8 or both. A person convicted of a subsequent violation of
9 81-8-214, 81-8-215, and 81-8-251 through 81-8-263 or rules
10 adopted to implement those sections shall be fined not less
11 than \$200 or more than \$1,000, imprisoned in the county jail
12 for not less than 3 months or more than 6 months, or both,
13 and the department may cancel his certificate.

14 (2) Of all fines assessed and collected under this
15 section, except those assessed and collected in a justice's
16 court, 50% shall be paid into the state treasury and
17 credited to the special revenue fund for the use of the
18 department and 50% shall be paid into the general revenue
19 fund of the county in which the conviction occurred."

20 Section 57. Section 81-8-279, MCA, is amended to read:

21 "81-8-279. Penalties. (1) A person who violates any
22 provision of 81-8-271 through 81-8-273 and 81-8-276 through
23 81-8-278 or rules adopted by the department to implement
24 those sections is guilty of a misdemeanor and upon
25 conviction shall be fined not less than \$250 or more than

1 \$1,000 or imprisoned for not more than 6 months, or both.

2 (2) Of all fines assessed and collected under this
3 section, except those assessed and collected in a justice's
4 court, 50% shall be paid into the state treasury and
5 credited to the special revenue fund for the use of the
6 department and 50% shall be paid into the general revenue
7 fund of the county in which the conviction occurred."

8 Section 58. Section 81-23-403, MCA, is amended to
9 read:

10 "81-23-403. Disposition of fines. (1) All fines
11 assessed by a court other than a justice's court for
12 violation of this chapter shall be paid by the court to the
13 department.

14 (2) All fines received by the department shall be
15 deposited with the state treasurer and shall be placed by
16 him in the state special revenue fund. Fines assessed for
17 violations of this chapter are earmarked for the purposes of
18 this chapter."

19 Section 59. Section 85-2-123, MCA, is amended to read:

20 "85-2-123. Deposit of fees and penalties. Except as
21 provided in 85-2-124 and 85-2-241, all fees and penalties
22 collected under this chapter shall be deposited in the water
23 right appropriation account established in 85-2-318. All
24 penalties or fines imposed by any court other than a
25 justice's court for a violation of this chapter shall be

1 deposited in the general fund of the county where the court
2 presides and shall be disposed of in the same manner as any
3 other penalty or fine."

4 Section 60. Section 85-3-213, MCA, is amended to read:

5 "85-3-213. State special revenue fund. All license and
6 permit fees and fines collected under this chapter, other
7 than those collected in a justice's court, shall be
8 deposited in the state special revenue fund for use by the
9 department in the administration of this chapter."

10 Section 61. Section 85-15-502, MCA, is amended to
11 read:

12 "85-15-502. Deposit of penalties and costs. All
13 penalties and costs collected under this chapter, other than
14 those collected in a justice's court, must be deposited in
15 the state general fund."

16 Section 62. Section 87-1-601, MCA, is amended to read:

17 "87-1-601. Use of fish and game money. (1) All money
18 collected or received from the sale of hunting and fishing
19 licenses or permits, from the sale of seized game or hides,
20 or from damages collected for violations of the fish and
21 game laws of this state, from appropriations, or received by
22 the department from any other state source shall be turned
23 over to the state treasurer and placed by him in the state
24 special revenue fund to the credit of the department. Any
25 money received from federal sources shall be deposited in

1 the federal special revenue fund to the credit of the
2 department.

3 (2) That money shall be exclusively set apart and made
4 available for the payment of all salaries, per diem, fees,
5 expenses, and expenditures authorized to be made by the
6 department under the terms of this title. That money shall
7 be spent for those purposes by the department, subject to
8 appropriation by the legislature.

9 (3) Any reference to the fish and game fund in this
10 code means fish and game money in the state special revenue
11 fund and the federal special revenue fund.

12 (4) All money collected or received from fines and
13 forfeited bonds, except money collected or received by a
14 justice's court, relating to violations of state fish and
15 game laws under Title 87 shall be deposited by the state
16 treasurer and credited to the department of fish, wildlife,
17 and parks in a state special revenue fund account for this
18 purpose. Out of any fine imposed by a court for the
19 violation of the fish and game laws, the costs of
20 prosecution shall be paid to the county where the trial was
21 held in any case where the fine is not imposed in addition
22 to the costs of prosecution.

23 (5) Money received by the department from the sale of
24 surplus real property; exploration or development of oil,
25 gas, or mineral deposits from lands acquired by the

1 department except royalties or other compensation based on
2 production; and from leases of interests in department real
3 property not contemplated at the time of acquisition shall
4 be deposited in an account within the nonexpendable trust
5 fund of the state treasury. The interest derived therefrom,
6 but not the principal, may be used only for the purpose of
7 operation, development, and maintenance of real property of
8 the department, and only upon appropriation by the
9 legislature. If the use of money as set forth herein would
10 result in violation of applicable federal laws or state
11 statutes specifically naming the department or money
12 received by the department, then the use of this money must
13 be limited in the manner, method, and amount to those uses
14 that do not result in such violation."

15 Section 63. Section 87-4-808, MCA, is amended to read:

16 "87-4-808. Fines, bonds, penalties, and fees. Fines,
17 bonds, or penalties, except those obtained by a justice's
18 court, shall be administered and disposed of in accordance
19 with the provisions of 87-1-601. Fees obtained under this
20 part shall be deposited with the state treasurer and
21 credited to the state special revenue fund, fish and game
22 account."

23 NEW SECTION. Section 64. Repealer. Section 3-10-603,
24 MCA, is repealed.

25 NEW SECTION. Section 65. Extension of authority. Any

1 existing authority of any department or other executive
2 branch office or entity to make rules on the subject of the
3 provisions of this act is extended to the provisions of this
4 act.

5 NEW SECTION. Section 66. Effective date. This act is
6 effective July 1, 1987.

-End-

STATUS SHEET

50th LEGISLATIVE SESSION

JUDICIARY

COMMITTEE

HOUSE BILL NUMBER	ENTERED COM. DATE	DATE CON- SIDERED	OUT OF COM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMENDED DATE	DO NOT PASS AS AMENDED DATE	BE CON- CURRED IN DATE	BE NOT CON- CURRED IN DATE	BE CON- CURRED IN AMENDED DATE	BE NOT CONCURRE IN AS AMENDED DATE
740		2/19/87	2/19/87			2/19/87					
737		2/19/87	2/19/87	2/19/87							
748		2/19/87	2/23/87	2/23/87							
754		2/19/87	tabled 2/23/87	lifted 2/23/87							
757		2/19/87	2/23/87	tabled							
758		2/19/87	2/23/87	tabled							
761		2/19/87		2/21/87							
790		2/20/87				2/21/87					
800		2/20/87				2/20/87					
805		2/20/87				2/20/87					
824		2/20/87	2/20/87	tabled							

Use a separate sheet for Senate Bills, House Bills, and Resolutions.

MINUTES OF THE MEETING
JUDICIARY COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

February 19, 1987

The meeting of the Judiciary Committee was called to order by Chairman Earl Lory on February 19, 1987, at 7:00 a.m. in Room 312 D of the State Capitol.

ROLL CALL: All members were present with the exception of Rep. Eudaily who was excused.

EXECUTIVE SESSION:

ACTION ON HOUSE BILL NO. 316:

Rep. Gould moved that HB 316 DO PASS. He moved that a sunset be put on the bill and that a report be presented to the next Legislature. Question was called on the amendment to provide a sunset for the involuntary commitment statute. A voice vote was taken and the motion CARRIED unanimously. Rep. Gould moved that HB 316 DO PASS AS AMENDED. Mr. MacMaster stated that an extension of authority needs to be put on the bill. He pointed out that this is needed because 53-21-106 grants rulemaking authority and Section 102 is amended so the authority needs to be extended to Section 102 as amended. Rep. Gould moved the amendment. Question was called and a voice vote was taken. The motion CARRIED 13-2 with Reps. Hannah and Daily dissenting. Rep. Addy stated that the fiscal note is incorrect with regard to the definition of "mentally ill". He moved to amend page 5, lines 10-15, striking the words "no person". Question was called and a voice vote was taken. The motion CARRIED unanimously. (See Amendments Attached). Rep. Gould moved DO PASS AS AMENDED. Question was called and voice vote was taken. The motion CARRIED unanimously. HB 316 DO PASS AS AMENDED.

ACTION ON HOUSE BILL NO. 284:

Rep. Darko moved that HB 284 DO PASS. She stated that HB 283 without HB 284 is nothing more than mere language. She moved amendments that ask for the penalties to be softened down to the minimum amount because we have to keep aggravated visitation interference as a felony in order to extradite people from another state. Question was called and voice vote was taken. The motion CARRIED unanimously. (See Amendments Attached). Rep. Darko moved that HB 284 DO PASS AS AMENDED. Rep. Addy moved to amend HB 284 on page 2, line 4 inserting "without the written consent of the custodial

subcommittee that Rep. Miles proposal is not necessary. Rep. Miles stated that this committee has taken a lot of time to spell out exactly what we mean on such issues and this should be made clear in the bill. Rep. Addy suggested language with regard to the UCC regulations. Rep. Mercer stated that he does not have an objection to that amendment but it should be broadened to say that the action brought under the UCC or the Montana Commercial Code as permitted by 33-18-201 be inserted.

Rep. Mercer moved that amendment. Question was called and a voice vote was taken. The motion CARRIED unanimously. (See Amendments Attached).

Rep. Addy moved that HB 592 DO PASS AS AMENDED. Question was called and a voice vote was taken. The motion CARRIED 14-1 with Rep. Miles dissenting. HB 592 DO PASS AS AMENDED.

ACTION ON HOUSE BILL NO. 740:

Rep. Cobb moved that HB 740 DO PASS. He moved the proposed amendments. Question was called and a voice vote was taken. The motion CARRIED unanimously. Rep. Cobb moved that HB 740 DO PASS AS AMENDED. Question was called and a voice vote was taken. The motion CARRIED unanimously. HB 740 DO PASS AS AMENDED.

ACTION ON HOUSE JOINT RESOLUTION NO. 21:

Rep. Mercer moved that HJR 21 DO PASS. Question was called and a voice vote was taken. The motion CARRIED 14-1, with Rep. Addy dissenting. HJR 21 DO PASS.

ACTION ON HOUSE BILL NO. 737:

Rep. Keller moved that HB 737 DO PASS. Question was called and a voice vote was taken. The motion CARRIED unanimously. HB 73 DO PASS.

ACTION ON HOUSE BILL NO. 240:

Rep. Mercer moved that HB 240 DO PASS. Rep. Mercer moved the amendments in their entirety and explained them. Question was called and a voice vote was taken. The motion CARRIED unanimously. Rep. Brown moved to amend on page 5, line 8. Reps. Miles and Mercer agreed with the amendment. Question was called and a voice vote was taken. The motion CARRIED unanimously. (See Amendments Attached). Rep. Mercer moved that HB 240 DO PASS AS AMENDED. Question was called and a voice vote was taken. The motion CARRIED 15-1. HB 240 DO PASS AS AMENDED.

liability insurance. He pointed out that it is very important that some legislative solution is found and this bill's language is permissive which allows corporations to adopt this article.

TIM GILL, Montana Livestock Ag Credit, Inc., stated that their record is clean for the last 53 years but now they are perceived as a risk and consequently, their directors place their personal assets at risk on a daily basis for the sake of promoting continuing Agricultural production in Montana. He submitted written testimony. (Exhibit B).

GEORGE BENNETT, Montana Bankers Association, submitted an article titled, "Bank Director's Report" dated February, 1987. (Exhibit C).

JO BRUNNER, Montana Water Development Association, submitted written testimony as (Exhibit D).

CHIP ERDMANN, Montana League of Savings Institutions, went on record in support of this bill.

STUART DOGGETT, Montana Chamber of Commerce, Helena, supported this bill.

GEORGE ALLEN, Montana Retail Association, supported HB 748.

See Visitors' Register for further proponents.

There were no opponents and no questions.

Rep. Ramirez closed the hearing on HB 748 by stating that this bill is based on Pennsylvania law and it does not give immunity to the officers. He pointed out that this is not an absolute limitation, it is a clarification and requires the shareholders to agree to the articles.

HOUSE BILL NO. 740, Rep. Cobb, District No. 42, pointed out that this act will relieve justices of the peace from overly burdensome bookkeeping and other administrative duties in regard to fines, penalties, and forfeitures paid in their courts and revises the method of distributing the fines, penalties, and forfeitures.

PROPONENTS:

JIM HAYNES, Montana Magistrate's Associations, Lobbyist, submitted written testimony. (Exhibit A). He also presented the Uniform Accounting System Manual for Justice Courts. (Exhibit B).

CARROLL C. BLEND, Justice of the Peace, Great Falls, presented written testimony and a table of fines, forfeitures of bail and fees as (Exhibit C).

NANCY L. SOBO, Justice of the Peace Ravalli County, presented written testimony. (Exhibit D).

BERNARD F. MCCARTHY, Lewis and Clark County Courthouse, Helena, Montana Magistrates Association, submitted written testimony. (Exhibit E).

E. HARRINGTON, Montana's County Treasurer's Association, supported this bill.

LARRY HERMAN, Judge, went on record in support of this legislation.

PATRICK DRISCOLL, Attorney General's Office, supported this bill.

There were no opponents and no questions.

Rep. Cobb closed the hearing on HB 740.

HOUSE BILL NO. 757, Rep. Whalen, District No. 93, stated that this is a clean up bill that revises the law relating to prejudgement interest in an action for recovery for injury to a person or property.

There were no proponents to this bill.

OPPONENTS:

ROGER MCGLINN, Independent Insurance Agents Association of Montana, opposed this legislation.

JACQUELINE TERRELL, American Insurance Association, went on record in opposition to this bill.

There were no questions.

Rep. Whalen closed the hearing on HB 757 by pointing out that the insurance companies are the only ones to oppose this bill. He stated that the problem with the presently written statute is that there are a number of exceptions and juries do not tell someone where every dollar is being awarded. There is no prejudgement interest on torts and the statute currently is unworkable.

HOUSE BILL NO. 758, Rep. Whalen, District No. 93, is being carried on behalf of a city judge by the name of Larry Herman.

DAILY ROLL CALL
JUDICIARY COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date Feb 19, 1987

NAME	PRESENT	ABSENT	EXCUSED
JOHN MERCER (R)	✓		
LEO GIACOMETTO (R)	✓		
BUDD GOULD (R)	✓		
AL MEYERS (R)	✓		
JOHN COBB (R)	✓		
ED GRADY (R)	✓		
PAUL RAPP-SVRCEK (D)	✓		
VERNON KELLER (R)	✓		
RALPH EUDAILY (R)			✓
TOM BULGER (D)	✓		
JOAN MILES (D)	✓		
FRITZ DAILY (D)	✓		
TOM HANNAH (R)	✓		
BILL STRIZICH (D)	✓		
PAULA DARKO (D)	✓		
KELLY ADDY (D)	✓		
DAVE BROWN (D)	✓		
EARL LORY (R)	✓		

EXHIBIT

A

DATE

2-19-87

February 9, 1987

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TO: Representative John Cobb - LC 602 - H.B. 740

FROM: Jim Haynes, Montana Magistrates's Association, Lobbyist

SUBJECT: Updated Summary of Bill Changing the Manner of Disposition
of Fees, Fines and Forfeitures of Bond in Justice Court.

The Justice of the Peace Courts currently distribute the fines and forfeitures they collect to the County Treasurer in a monthly distribution report. The Justice Court performs all the bookwork in a cumbersome monthly distribution report which the County Treasurer sends to the State Treasurer after the County receives its distribution share of the monies collected, estimated at 50% of the total amount collected. This estimate is based on June 1985 - May 1986 figures obtained from Collection Reports submitted to the State Treasurer and the monthly distribution reports prepared by the Justice Courts. 45 MCA statute sections touch upon this distribution method (attached sheet).

The estimated amount of money received by the State in 1985 for distribution was:

State General Fund	\$500,000.00
Driver Education - MHP	647,600.00
Crime Victim Comp. - MHP	373,400.00
Driver Education - GVW	151,100.00
Highway Dept.- Special Revenue	271,100.00
Fish, Wildlife & Parks	221,100.00
Snowmobile & Boats	11,000.00
Livestock	1,900.00

The Legislative Auditor issued a report in January, 1986, focusing in part, on loss of revenue caused by this cumbersome and confusing method of distribution, Special Purpose Audit Report on the Collection of State Revenues by Montana Counties. A cash flow problem exists as well as general ignorance and confusion under the current distribution method.

The Montana Magistrate's Association proposes legislation that changes the method of distribution. Justice Courts would simply forward the balance monthly to the County Treasurer. No more lengthy bookkeeping report would be required. The distribution process would be both streamlined and simplified.

The County Treasurer would distribute the monies received as follows:

- (1) 50% to the State Treasurer
- (2) 50% to the General Fund of the county

The State Treasurer would distribute the monies received from the County as follows:

T0: Representative John Cobb

February 9, 1987

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- (1) 23% to the General Fund of the State
- (2) 10% to the Fish & Game account
- (3) 13% to the State Highway account, special revenue fund
- (4) 35% to the Traffic Education account, special revenue fund
- (5) 1% to the Department of Livestock account
- (6) 17% to the Crime Victims account

This simplifies the accounting methods now required of the County Treasurers and Justice Courts. It would require the State Treasurer to account for percentages of monies it distributes to state funds.

This simplified distribution method is proposed only for Justice Courts. Other courts, City Courts and District Courts primarily, would remain under the same system. City Courts and District Court use of the current distribution method is minimal. If the Justice Court's method is enacted and proves workable over the next two (2) years, it is likely that all courts could move to the method proposed for Justice Courts.

Perhaps the only other method for addressing current distribution problems would be a centralized computer data spreadsheet which all 55 counties adopted and conformed to. This option currently is considered unworkable.

Necessary

3-10-601
20-7-504
20-7-505
20-9-337
20-9-332
23-2-507
23-2-644
45-17-303
46-18-231 - 235
46-18-603
53-9-109
61-8-718
61-10-149
61-12-701 - 703
81-3-231
81-4-202
87-1-104
87-1-201
87-1-601

Nice

7-23-105
7-14-2138
7-22-2117
7-22-2434
13-37-124
13-37-129
32-2-106
33-2-312
37-2-301
37-7-324
37-41-212
50-1-204
50-2-124
50-52-105
50-70-118
50-71-325
7-20-109
75-2-412
75-7-216
76-13-114
77-1-117
80-7-704
81-4-621
85-2-123
85-3-213
87-5-509

repeal. 3-10-603

EXHIBIT BDATE 2-19-87HE # 740UNIFORM ACCOUNTING SYSTEMMANUAL FOR JUSTICE COURTS

The Uniform Accounting System for Montana Justice Courts was formulated and prescribed by the Commission on Courts of Limited Jurisdiction. This system was approved by the Montana Supreme Court for use in and by Justice Courts in Montana on January 1, 1977, and was revised for all Justice Courts effective January 1, 1986.

The purpose of this manual is to explain and describe the approved procedures and forms so that every Justice of the Peace can properly implement them in their Justice Court. Adherence to the prescribed system will promote efficiency, accuracy, and uniformity in court accounting and reporting.

The manual version of the accounting system as a whole consists of the following parts:

1. Prenumbered "spot carbon" receipts;
2. Trust account "cash receipts" journal;
3. Peg board and binder;
4. Bank trust account;
5. Time payment file card system;
6. Prenumbered dockets;
7. Cash receipts and disbursements journal for all categories of cases handled;
8. Monthly financial report form summarizing the contents of the cash receipts and disbursements journals;
9. Uniform distribution graphs by category.

THE ACCOUNTING ASPECTS OF THIS SYSTEM MAY BE COMPUTERIZED OR AUTOMATED INDIVIDUALLY OR IN CONJUNCTION WITH YOUR COUNTY TREASURER'S OFFICE.

CASH RECEIPTING PROCEDURE

Proper implementation of this system mandates the immediate recording of all cash received by the Justice Court. All cash, whether in currency, coin, check, money order or bank draft form, is to be receipted on prenumbered "spot carbon" receipts which are furnished in sheets or racks of 25. A "rack" is placed on the pegboard over a Trust Account Journal page with the top receipt lining up with line one (1) on the Trust Account Journal page. As the top receipt is completed,

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the information recorded on the receipt automatically transfers to the Journal page. This receipt is then torn from the "rack", and the next receipt automatically lines up on the second line of the Journal.

Use of spot carbon receipts, causing the recordation of identical information on the Trust Account Journal, reduces the possibility for error, increases control over cash, and provides the Court with an accurate and complete record of all cash received.

It will be your responsibility to implement this system and budget for the number of receipts your Court will need.

Again, this cash receipting procedure is mandatory and is to be used regardless of whether cash is being received for a fee, a cost, a fine, a forfeiture, as bail bond, or for restitution. A receipt must always be given to the individual presenting the cash to the Court, and the receipt should be written in the presence of that individual. If there is no one to whom a receipt can be given personally, then the receipt should be kept in numerical order in a file established for that purpose.

In all Counties where the Justice of the Peace has clerks, the functions of collection of cash receipts and reconciliation of cash collected, record keeping and reconciliation of the bank trust account should be segregated.

TRUST ACCOUNT CASH RECEIPTS JOURNAL

The Trust Account Cash Receipts Journal is mounted on a peg board, and by placing a rack of receipts over a Trust Account Journal page you have set up a "one write" system whereby cash receipts and corresponding entries to the Trust Journal are completed simultaneously.

The Trust Account Journal was established for the purpose of providing the Court with a complete record of all cash it received, as well as a clerical means of tracing cash for each case. Cash is traced by requiring you or your clerk to transcribe or post each amount received to the appropriate, corresponding docket and/or time payment account or card as soon as practicable after the receipt is written. In some cases cash received can be posted to an already existing docket and in other cases, dockets will have to be prepared before the amount received can be posted to the docket. By posting or transcribing, we mean that you record the amount received in the minutes of the appropriate prenumbered docket and in turn, write the type of case and docket number on the corresponding Trust Account Journal page. For example, if money was received in and recorded on the trust account journal in a Fish, Wildlife & Parks case, you would initial the letters "F & G"

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and the docket number in the docket number column. Again, note that this assures that the flow of cash received into the trust account can be traced from the Trust Account Journal through the docket. In the special situation where an officer brings in more than one ticket, a single receipt can be written for several tickets and more than one docket number can in turn be recorded on a single line of the Trust Account Journal. The number of spaces provided for docket numbers on a single line of the Trust Account Journal dictates how many tickets can be recorded by use of only one receipt.

At the end of each day you or a clerk will total the amount received column of your Trust Account Journal. This total should reconcile and balance with the money received in your cash drawer.

In Justice Courts with Clerks, it is recommended that the Clerk handling the receipting and recording of cash not be the same person who reconciles the cash drawer with the Trust Account Journal at the end of the day. Once the cash in the cash drawer is balanced with the total of that day's receipts as recorded in the Trust Account Journal, this sum should be deposited daily into the trust account at the bank or with your County Treasurer.

TRUST ACCOUNT

Each Justice of the Peace shall set up a Trust Account in the name of the Justice of the Peace. If the Trust Account is established with the bank, only the Justice of the Peace can sign checks disbursing funds therefrom. If the Trust Account is established with the County Treasurer, only the Justice of the Peace should have authority to direct disbursement of funds therefrom.

TIME PAYMENT FILE CARD SYSTEM

When cash is received in part payment of restitution or as a time payment on a fine, a time payment card or automated account must be maintained for both kinds of accounts receivables. If not, on an automated system, it is recommended that the cards be color coded to differentiate between restitution and fine payments. These cards can be of a 3 x 5 size or 5 x 8 size, whichever you prefer. It is recommended that the cards be filed in alphabetical order by "active", "delinquent" and "paid-up" categories.

Whenever a time payment agreement is set up and cash is received on a time payment, the amount received must be posted to the appropriate docket and recorded on the appropriate time payment card or automated account, so that it is updated.

A time payment agreement may be used at the Court's

discretion. If a time payment agreement is made, the file card number or automated account number must be entered on the minutes of the docket as well as the time payment agreement. In turn, the docket number shall be entered on the time payment agreement. Exhibit "A" attached sets forth a sample Manual Time Payment Agreement and File Card System.

CASH RECEIPTS AND DISBURSEMENT JOURNALS

These Journals provide the Court, the County Treasurer and the State Treasurer with month-by-month financial records of all cases completed by the Justice Court. Each Journal is designed so that entries may be either handwritten or typewritten. All automated systems must produce a final product equivalent to the manual forms. It is recommended that the Journals be printed on no-carbon-required paper with two copies so that one remains with the Court, one copy is given to the County Treasurer and one copy is given to the State Treasurer with the County Treasurer's monthly remittance.

A separate journal shall be maintained for each area coming under the jurisdiction of the Justice Court System. Any automated or combined journal system must be approved on an individual basis by the Commission on Courts of Limited Jurisdiction.

Separate journals shall be maintained for each of the following six (6) categories:

1. Civil (and small claims) cases;
2. Criminal (and PCS) cases;
3. Fish, Wildlife and Parks cases;
4. Highway Patrol cases;
5. Department of Livestock cases;
6. G.V.W. cases.

Each journal, when completed, will provide a complete history of all cases disposed of in the foregoing categories. No entry shall be made on any of these Journals until such time as a given case is completed and the docket closed. (Note that in a time payment situation involving restitution or payment of a fine on time, no docket should be closed until the final payment is made.)

In addition to summarizing the total cash received for fees, costs, fines, forfeitures, and refunds of bond or restitution these Journals provide columns for allocating the total amount received to the County Treasurer and State Treasurer. Allocations should be made in accordance with State law. The allocation breakdown has become unduly complicated due to legislative changes enacted since this system was first adopted in 1977. The following graphs are provided to guide you in distributing all fees, costs, fines and forfeitures collected by the Justice of the Peace in the six (6) categories described.

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DATE 2-19-81
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CATEGORY I

CIVIL CASES
(and Small Claims)

The Justice of the Peace shall distribute:

100% to
County Treasurer

The Justice of the Peace shall distribute all fees and costs collected in Civil and Small Claims cases to the County Treasurer column.

The County Treasurer shall distribute all monies collected in Civil and Small Claims cases to the County General Fund.

CATEGORY II

CRIMINAL CASES
(and PSC Violations)

The Justice of the Peace shall distribute:

100% to
County Treasurer

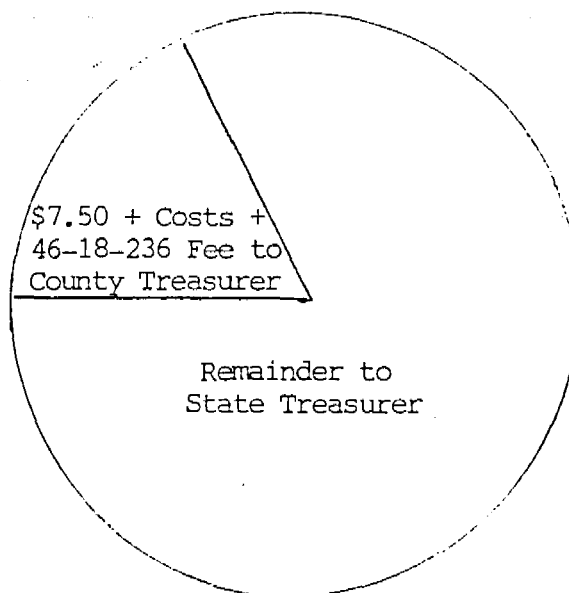
The Justice of the Peace shall distribute all fees and costs collected pursuant to Sections 3-10-603, 46-18-232, 46-18-236 Mont. Code Ann., and the balance of all fines and forfeitures collected to the County Treasurer column. The Justice of the Peace shall indicate in the Remarks column of the Collections and Distributions Journal for each County Criminal and PSC case if the fee under 46-18-236 Mont. Code Ann., was collected or waived.

The County Treasurer shall distribute all fees, costs, fines and forfeitures collected in criminal cases and PSC cases to the County General Fund; EXCEPT those fees collected (not waived) pursuant to 46-18-236, Mont. Code Ann., which shall be remitted by the County Treasurer to the State Treasurer according to law.

CATEGORY III

FISH, WILDLIFE and PARKS CASES

The Justice of the Peace shall distribute:



The Justice of the Peace shall distribute all fees and costs collected pursuant to Sections 3-10-603, 46-18-232 and 46-18-236, Mont. Code Ann., to the County Treasurer column. The Justice of the Peace shall indicate in the Remarks column of the Collections and Distributions journal for each Fish, Wildlife, and Parks case if the fee under 46-18-236 Mont. Code Ann. was collected or waived.

The Justice of the Peace shall distribute the remaining balance of all fines and forfeitures collected in Fish, Wildlife, and Parks cases to the State Treasurer column.

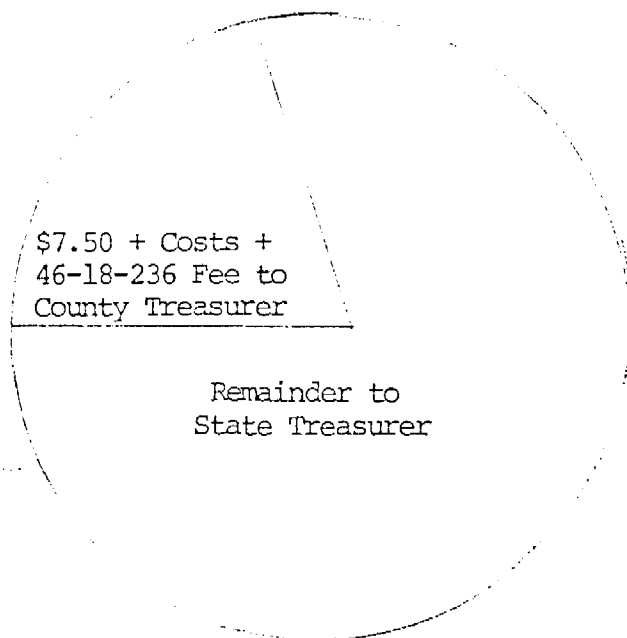
The County Treasurer shall distribute all such fees and costs collected under 3-10-603 and 46-18-232, Mont. Code Ann., to the County General Fund.

The County Treasurer shall remit the fees collected (not waived) under Section 46-18-236, Mont. Code Ann., and the balance of all fines and forfeitures collected in Fish, Wildlife and Parks cases to the State Treasurer according to law.

CATEGORY IV

HIGHWAY PATROL

The Justice of the Peace shall distribute:



The Justice of the Peace shall distribute all fees and costs collected pursuant to Sections 3-10-603, 46-18-232, and 46-18-236, Mont. Code Ann. to the County Treasurer column. The Justice of the Peace shall indicate in the Remarks column of the Collections and Distributions Journal for each Highway Patrol case if the fee under 46-18-236 Mont. Code Ann. was collected or waived.

The Justice of the Peace shall distribute the remaining balance of all fines and forfeitures collected in Highway Patrol cases to the State Treasurer column. The Justice of the Peace will continue to make the breakouts as required for the Traffic Education Account and Crime Victims. The percentages will be figured from the totals on each journal page and listed at the bottom of each distribution journal page (see sample).

The County Treasurer shall distribute all such fees and costs collected under 3-10-603, Mont. Code Ann., and 46-18-232, Mont. Code Ann., to the County General Fund.

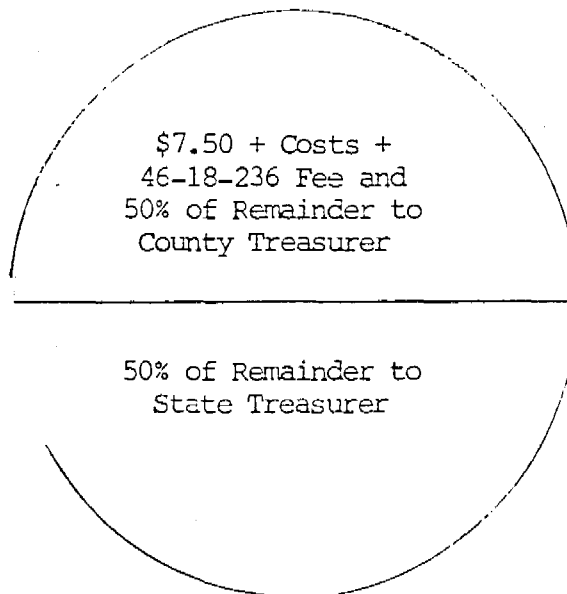
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The County Treasurer shall remit the fees collected (not waived) under Section 46-18-236 Mont. Code Ann. to the State Treasurer according to law. The County Treasurer shall remit the remaining balance of all fines and forfeitures to the State Treasurer with 25% earmarked to the Traffic Education Account according to 20-7-504 Mont. Code Ann., 18% earmarked to the Crime Victims Compensation Fund Account according to 53-9-109 Mont. Code Ann., and the remaining balance earmarked to the State General Fund Account.

CATEGORY V

DEPARTMENT OF LIVESTOCK

The Justice of the Peace shall distribute:



The Justice of the Peace shall distribute all fees and costs collected pursuant to Sections 3-10-603, 46-18-232, 46-18-236, Mont. Code Ann., and 50% of the remaining fine or forfeiture to the County Treasurer column. The Justice of the Peace shall indicate in the Remarks column of the Collections and Distributions Journal for each Department of Livestock case whether the fee under 46-18-236, Mont. Code Ann., was collected or waived.

The Justice of the Peace shall distribute 50% of the remaining fine or forfeiture to the State Treasurer column.

The County Treasurer shall distribute all fees and costs collected under 3-10-603, Mont. Code Ann., and 46-18-232, Mont. Code Ann., and 50% of the remaining fine or forfeiture to the County General Fund.

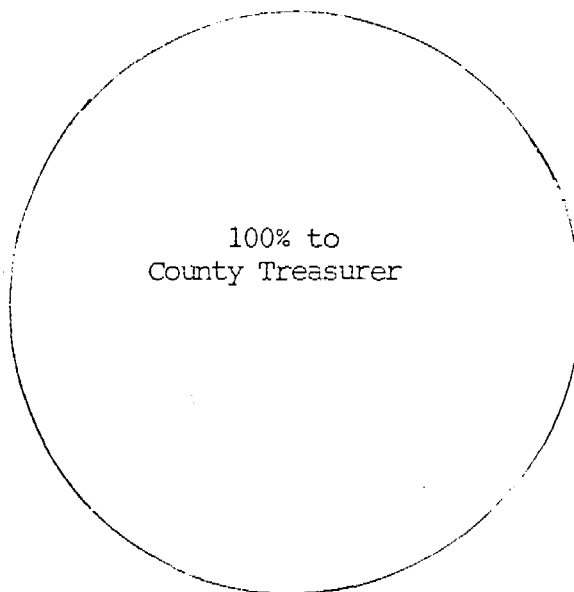
13
DATE 2-19-8
140

The County Treasurer shall remit the fees collected under Section 46-18-236, Mont. Code Ann., and 50% of the balance of all fines or forfeitures collected in Dept. of Livestock cases to the State Treasurer according to law.

CATEGORY VI

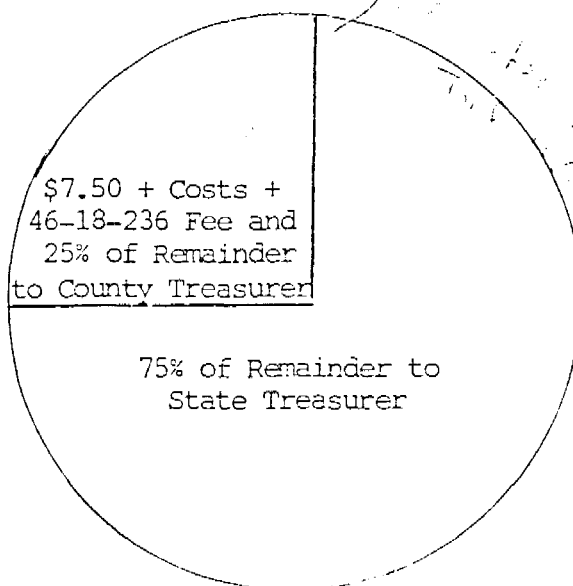
GVW - TITLE 15

The Justice of the Peace shall distribute:



GVW - TITLE 61

The Justice of the Peace shall distribute:



B
2-19-87
HB #740

THE JUSTICE OF THE PEACE
REMARKS

The Justice of the Peace shall indicate in the Remarks column for each GVW case whether the violation for each case was under Title 15 or Title 61 and if the fee under Section 46-18-236, Mont. Code Ann., was collected or waived.

If cited under Title 15, the Justice of the Peace shall distribute all fees and costs collected pursuant to Sections 3-10-603, 46-18-232, and 46-18-236 Mont. Code Ann., and the remaining balance of all fines and forfeitures to the County Treasurer column.

If cited under Title 61, the Justice of the Peace shall distribute all fees and costs collected pursuant to 3-10-603, 46-18-232, 46-18-236 Mont. Code Ann., and 25% of the remaining balance of all fines or forfeitures collected to the County Treasurer column. The Justice of the Peace shall distribute 75% of the remaining balance of all fines and forfeitures to the State Treasurer column.

The County Treasurer shall distribute all fees and costs collected pursuant to 3-10-603, Mont. Code Ann., and 46-18-232, Mont. Code Ann., and the balance of all fines and forfeitures collected for GVW cases under Title 15 to the County General Fund.

The County Treasurer shall distribute all fees and costs collected pursuant to 3-10-603, Mont. Code Ann., and 46-18-232 Mont. Code Ann., and 25% of the balance of all fines and forfeitures collected for GVW cases under Title 61 to the County Road Fund.

The County Treasurer shall remit the fees collected (not waived) under Section 46-18-236, Mont. Code Ann., for all GVW cases under both Title 15 and Title 61 to the State Treasurer according to law.

The County Treasurer shall remit 75% of the balance of all fines and forfeitures collected for GVW cases under Title 61 to the State Treasurer with one-third (1/3) earmarked to the Traffic Education account and two-thirds (2/3) earmarked to the State Highway account according to Sections 20-7-504, Mont. Code Ann., and 61-10-148, Mont. Code Ann.

GENERAL USE OF OTHER COLUMN

Note that all return of bonds, restitution and monies transferred to District Courts on appeal for all six (6) kinds of Collections and Distributions Journals shall be reported in the "Other" column of your Collections and Distributions Journal. The Justice of the Peace shall issue individual trust account checks when making disbursements set out in the Other column or the County Treasurer shall issue individual checks if the Justice of the Peace has his or her accounting system and trust account integrated in the County Treasurer's Office.

1-1
2-17-67
77 740

MONTHLY REPORT FORM

Sections 3-10-601, Mont. Code Ann., and 46-17-303, Mont. Code Ann., require that a monthly report be submitted to the County Treasurer every thirty (30) days on or before the tenth (10th) day of each month. The monthly report approved for use in this Uniform Accounting System is prepared from the total columns (disbursements) from the six (6) Collections and Distributions Journals. The monthly report is a standard size 8 1/2 by 11 inch form which can be hand or typewritten. Use of no-carbon-required paper is highly recommended.

On or before the tenth (10th) day of the month the Justice of the Peace will be expected to submit a copy of this report along with copies of the six (6) Collections and Distributions Journals to the County Treasurer. The Justice of the Peace shall at the same time issue one (1) check payable to the County Treasurer for the total of all disbursements made from cases completed in the previous month. (Note that in this system the only other times that the Judge will be writing checks will be for returns of bond monies, restitution payments, or the like.) The County Treasurer in turn shall issue an A-101 receipt to the Judge for each set of the Collections and Distributions Journal pages submitted. It shall then be the responsibility of the County Treasurer to transmit monies to the State Treasurer as directed on the Collections and Distributions Journal pages and to send the appropriate copy of the Collection and Distribution page to the State Treasurer.

FRONT SIDE
FILE CARD

IN THE JUSTICE COURT OF _____				101
Defendant's Name			Docket No.	
<u>date due</u>	<u>date rec'd</u>	<u>receipt no.</u>	<u>amount</u>	<u>balance</u>

B
219-87
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REVERSE SIDE
AGREEMENT

TIME PAYMENT AGREEMENT

I agree to pay said fine ☐ restitution ☐ ordered by this court in the following manner, to wit: ,

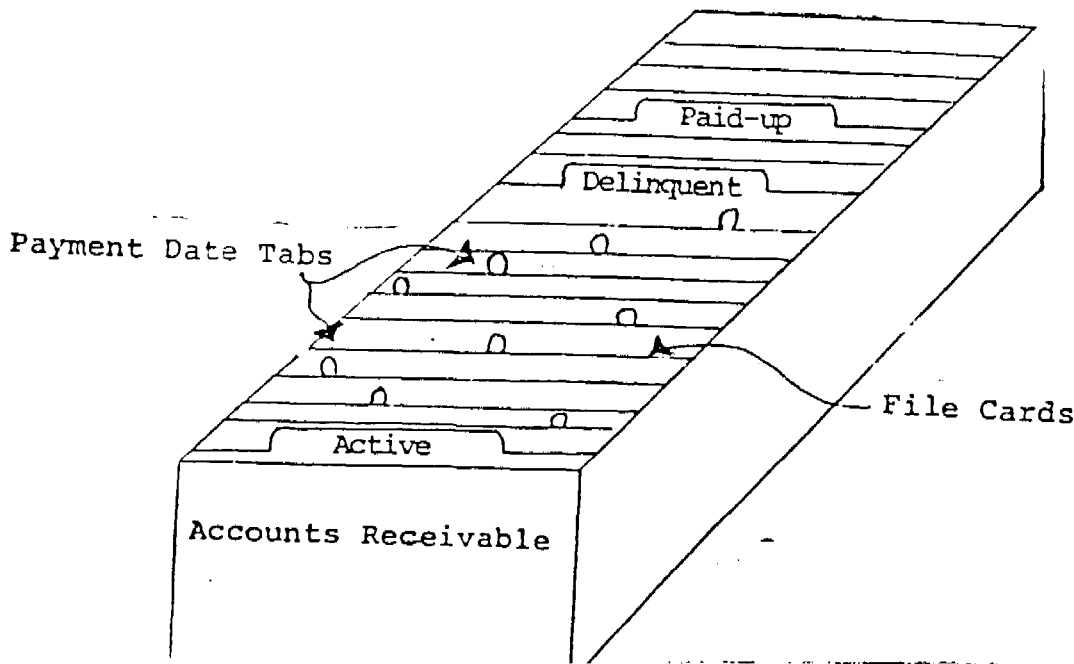
☐ In full on or before the ____ day of _____ 19____, in the amount of \$ _____.

☐ In installments, with the first installment being paid on the ____ day of _____ 19____, and each subsequent payment will be made on or before the ____ day of each subsequent month until the total amount of \$ _____ is paid.

DATE: _____

Signature of Defendant _____

SAMPLE FILE
SYSTEM



WITNESS STATEMENT

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NAME CARROLL C. BLEND BILL NO. H6740
ADDRESS 333 Fox Drive Et Falls 59462 DATE 2/17/87
WHOM DO YOU REPRESENT? ~~Marilyn Morgan~~ myself
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

EXHIBIT 6

DATE 2-19-87

HB # 740

STATEMENT OF CARROLL C. BLEND, JUSTICE OF THE PEACE

BEFORE THE HOUSE JUDICIARY COMMITTEE

IN SUPPORT OF HOUSE BILL 740

Ladies and Gentlemen of the Committee, my name is Carroll Blend. I am justice of the peace in Cascade County whose county seat is Great Falls. I am an attorney and prior to my appointment and later election as justice of the peace I was a deputy county attorney. More to the point, I have been a member of the Supreme Court Commission on Courts of Limited Jurisdiction for more than six years.

House Bill 740 will not increase or decrease the total amount of the fines and forfeitures of bail that are collected each year. That amount is at least some \$ 4.4 million dollars. It will not divert any money collected in FY 1988 from any fund for which the money was designated in FY 1987 or FY 1986. What it will do is abolish the present system whereby each fine and each forfeiture must be examined and apportioned among the various purposes you have determined and apportion the total amount of the fines and forfeitures among the various purposes.

*House can
consent
last
year.*

In FY 1986, half of the \$ 4.4 million dollars was paid into the general, common school and road funds of the county of the justice court. The other half was remitted to the State Treasurer. Of that half, 36 % was paid into the Driver Education Special Revenue Account, 17 % into the Crime Victims SRA, 11 % into the Department of Fish, Wildlife and Parks SRA, 12 % into the Department of Highways SRA, .09% into the Department of Livestock SRA and 24 % into the General Fund for general purposes. These payments are shown on the table I have given out.

When I say that these were the moneys paid into the State Treasurer and these were the moneys paid into each fund, I speak of my own knowledge because these are the actual amounts according to the Department of Revenue, the Department of Administration, and the individual justice courts. What House Bill 740 would do is substitute these percentages for the contradictory and confusing earmarking which appears more than 70 times in the MCA.

I am sure that no one of you campaigned on a platform that you would vote to retain reports in triplicate and useless paperwork. I feel that most of you if asked would have told your

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HB # 740

constituents that you oppose useless reports and paperwork, that you believe that judges should be judges and not bookkeepers, and that public employees should help the public and not spend their working lives hunched over computer terminals entering nickel tickets because the law says so.

I am responsible for the table and will be glad to answer any questions you may have about it. I urge a "Do Pass" recommendation for House Bill 740.

DATE 2-19-87
740

FINES, FORFEITURES OF BAIL AND FEES

FISCAL YEAR 1986

RECEIPTS BY AGENCY:

COUNTY F & F & F	\$ 1,185,632.12	26.78 %
M.H.P. F & F	2,151,922.90	48.60 %
F.W.P. F & F	260,989.51	5.89 %
G.V.W. F & F	825,110.18	18.64 %
LIVESTOCK F & F	3,826.34	.09 %
TOTAL	\$ 4,427,481.05	100.00 %

DISTRIBUTIONS:

COUNTY FUNDS:

TOTAL	\$ 2,214,703.58	50.11 %
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STATE FUNDS:

DRIVER EDUCATION	798,759.63	36.22 %
CRIME VICTIMS	373,408.88	16.93 %
F.W.P.	234,890.56	10.65 %
HIGHWAYS	271,148.85	12.30 %
LIVESTOCK	1,913.17	.09 %
GENERAL FUND	525,237.19	23.82 %
TOTAL	\$ 2,205,358.28	49.89 %
GRAND TOTAL	\$ 4,420,061.86	100.00 %

WITNESS STATEMENT

DATE 2-19-87
HE # 740

NAME

Nancy L. Soto P. Rulli Co.

BILL NO.

HB740

ADDRESS

Churtonville Hamilton N.Y.

DATE

2/19/87

WHOM DO YOU REPRESENT?

Montana Magistrates Assoc

SUPPORT

☒

OPPOSE

AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I am Nancy Lobo, I am a
Justice of the Peace in Ravalli Co.
I am currently serving in my 4th
year as President of the
Montana Magistrates Assoc and am
a member of the Supreme Court
Commission on Courts of Limited Jurisdiction.

This is our present distribution
manual directing how we should
disburse the fines, fees & forfeitures
collected.

This manual addresses over 60 different
statutes that tell us "how to" disburse
the \$ we receive in Justice Court.

This process is cumbersome and
outdated. If every county could
afford to equip each Justice
Court with an IBM computer
system perhaps we could
relieve ~~the~~ some of the burden
of our present complicated and
bureaucratic ~~and~~ bookkeeping
process.

2-19-87
749

Our bill would economize court time and let Judges be Judges not bookkeepers. The majority of limited Courts in Montana

2 years ago you passed a bill
requiring that city and county
judges would be certified

But our hands are tried and

DATE 2-19-87

our time very limited to ~~practice~~ ^{#740}
our professions with

the present distribution procedure

We are not adding any
additional work load to the
county treasurers or at the
state level.

The percentages simplify the
process and relieves your
Justices from ~~an~~ a overly
burdensome bookkeeping procedure

We need HB 740 and we
need your support.

Thank you

NAME BERNARD F. McCafferty BILL NO. 740
 ADDRESS LEWIS & CLARK COUNTY CLERK - 228 BROADWAY DATE 2/19/87
 WHOM DO YOU REPRESENT? HELENA
Montana Magistrate Assoc (Rtd)
 SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I support HB 740 because it simplifies an unduly overburdened accounting system. The present system started by everyone wanting a percentage slice of the pie. The responsibility for dividing that pie has rested with the justice of the peace. As more slices were made in the pie, the time required to divide each fund increased until presently, for example, in Lewis & Clark County, it takes one FTE an average 5-10 days per month to do the report.

This bill changes the method of distribution and not the distribution itself. The bill, in its simplest terms, requires the state treasurer to divide the state's share of the money according to those percentages established by state law. It therefore takes the burden off the counties and places it with the state. Bill is income neutral.

We urge support of this bill

WITNESS STATEMENT

EXHIBIT ADATE 2-19-87HB # 740NAME JAMES A. HAYNES BILL NO. 740ADDRESS PO Box 544 Hamilton, MT 59840 DATE 2/19/87WHOM DO YOU REPRESENT? MT. Magistrate's Assn.SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

- ① Relieves Justices of the Peace of cumbersome bookkeeping.
- ② Consistent with House Interim Study (unfunded) from 1985 Legislative Session (Rep Connolly)
- ③ Supported by Supreme Court Commission on Courts of Limited Jurisdiction, MMA, Atty. General and office of the Legislative Auditor.

STANDING COMMITTEE REPORT

FEBRUARY 19, 19 37

Mr. Speaker: We, the committee on JUDICIARY

report HOUSE BILL NO. 749

☒ do pass
☐ do not pass

☐ be concurred in
☐ be not concurred in

☒ as amended
☐ statement of intent attached

Chairman

Page 2, line 25 and line 1 of page 3.

Strike: "on or" on page 2, line 25 through

"is paid" on line 1 of page 3

Insert: "in the manner provided in 15-1-1504"

(2) A private residence designed for single-family occupancy in which sleeping space is rented to guests and in which the landlord also resides is excluded from the provisions of subsection (1).

(3) It is also an unlawful discriminatory practice to make, print, or publish or cause to be made, printed, or published any notice, statement, or advertisement that indicates any preference, limitation, or discrimination that is prohibited by subsection (1) or any intention to make or have such a preference, limitation, or discrimination.

(4) This section does not prohibit an owner, lessee, manager, or other person having the right to sell, lease, or rent a housing accommodation or improved or unimproved property from refusing to sell, lease, or rent such property to a person or persons with a child or children.”

Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 592, introduced bill, be amended as follows:

1. Title, line 8.

Strike: “IMMEDIATE”

2. Page 3, line 6.

Following: “statute.”

Insert: “Nothing in this section affects the rights of any person to bring an action as permitted by 33-18-201 or the Uniform Commercial Code.”

3. Page 3, line 10.

Strike: “passage and approval”

Insert: “July 1, 1987”

And, as amended, do pass. Report adopted.

HB 696, do pass. Report adopted.

HB 737, do pass. Report adopted.

HB 740, introduced bill, be amended as follows:

1. Page 2, line 25 and line 1, page 3.

Strike: “on or” on page 2, line 25 through “is paid” on line 1, page 3

Insert: “in the manner provided in 15-1-504”

And, as amended, do pass. Report adopted.

HJR 21, do pass. Report adopted.

Adverse Committee Reports

HB 371, do not pass. Chairman Lory moved to adopt the committee report. Representative Addy made a substitute motion that the adverse committee report be rejected and the bill be printed and placed on second reading. After much debate, Representative Rapp-Svrcek moved the previous question. Motion carried. (58-36)

The Addy motion failed. (25-69)

The adverse committee report was adopted as follows:

Ayes: Bachini, Bardanouve, Bradley, Brandewie, D. Brown, J. Brown, Bulger, Campbell, Cohen, Compton, Connelly, Darko, Devlin, Driscoll, Ellison, Eudaily, Fritz, Glaser, Grady, Grinde, Hannah, Hansen, Hanson,

Jenkins, Jones, Keller, Kitselman, Menke, Mercer, Meyers, Miller, Nathe, Nelson, Patterson, Peterson, Phillips, Poulsen, Ramirez, Rehberg, Roth, Sales, Sands, Smith, Spaeth, Stratford, Swift, Switzer, Swysgood, Thoft, Mr. Speaker.

Total 42

Paired: Ream, Williams, Ayes; Hayne, Ramirez, Noes.

Excused: DeMars, Ellison, Moore, Thomas.

Total 4

Absent or not voting: Hoffman.

Total 1

HB 737 - Representative D. Brown moved that HB 737 do pass. Motion carried as follows:

Ayes: Addy, Asay, Bachini, Bardanouve, Bradley, Brandewie, D. Brown, J. Brown, Bulger, Campbell, Cobb, Cody, Cohen, Compton, Connelly, Corne', Daily, Darko, Devlin, Donaldson, Driscoll, Eudaily, Fritz, Giacometto, Gilbert, Glaser, Gould, Grady, Grinde, Hannah, Hansen, Hanson, Harp, Harper, Harrington, Hayne, Hoffman, Holliday, Iverson, Jenkins, Jones, Kadas, Keenan, Keller, Kennerly, Kitselman, Koehnke, Lory, McCormick, Manuel, Menahan, Menke, Mercer, Meyers, Miles, Miller, Nathe, Nelson, Nisbet, O'Connell, Patterson, Pavlovich, Peck, Peterson, Phillips, Pistoria, Poff, Poulsen, Quilici, Ramirez, Raney, Rapp-Svrcek, Rehberg, Roth, Russell, Sales, Sands, Schye, Simon, Smith, Spaeth, Squires, Stang, Stratford, Strizich, Swift, Swysgood, Thoft, Vincent, Wallin, Whalen, Winslow, Mr. Speaker.

Total 93

Noes: Switzer.

Total 1

Excused: DeMars, Ellison, Moore, Ream, Thomas, Williams.

Total 6

Absent or not voting: None.

Total 0

HB 740 - Representative Cobb moved that HB 740 do pass. Motion carried as follows:

Ayes: Addy, Asay, Bachini, Bardanouve, Bradley, Brandewie, D. Brown, J. Brown, Bulger, Campbell, Cobb, Cody, Compton, Connelly, Corne', Daily, Donaldson, Eudaily, Fritz, Giacometto, Gilbert, Glaser, Gould, Grady, Grinde, Hannah, Hansen, Hanson, Harp, Harper, Harrington, Hayne, Hoffman, Holliday, Iverson, Jenkins, Jones, Kadas, Keenan, Keller, Kennerly, Kitselman, Koehnke, Lory, McCormick, Manuel, Menahan, Menke, Mercer, Meyers, Miles, Miller, Nathe, Nelson, Nisbet, O'Connell, Patterson, Pavlovich, Peck, Peterson, Phillips, Pistoria, Poff, Poulsen, Quilici, Ramirez, Raney, Rapp-Svrcek, Rehberg, Roth, Russell, Sales, Sands, Schye, Simon, Smith, Spaeth, Squires, Stang, Stratford, Strizich, Swift, Switzer, Swysgood, Thoft, Vincent, Wallin, Winslow, Mr. Speaker.

Total 89

Noes: Cohen, Darko, Driscoll, Whalen.

Total 4

Excused: DeMars, Ellison, Moore, Ream, Thomas, Williams.

Total 6

Absent or not voting: Devlin.

Total 1

HB 747 - Representative Gould moved that HB 747 do pass. Motion carried as follows:

Ayes: Addy, Asay, Bachini, Bardanouve, Bradley, Brandewie, D. Brown, J. Brown, Bulger, Campbell, Cobb, Cody, Cohen, Compton, Connelly, Corne', Daily, Darko, Devlin, Donaldson, Driscoll, Eudaily, Fritz, Giacometto, Gilbert, Glaser, Gould, Grady, Grinde, Hannah, Hansen, Hanson, Harp, Harper, Harrington, Hayne, Hoffman, Holliday, Iverson, Jenkins, Jones, Kadas, Keenan, Keller, Kennerly, Kitselman, Koehnke, Lory, McCormick, Manuel, Menahan, Menke, Mercer, Meyers, Miles, Miller, Nathe, Nelson, Nisbet, O'Connell, Patterson, Pavlovich, Peck, Peterson, Phillips, Pistoria, Poff, Poulsen, Quilici, Ramirez, Raney, Rapp-Svrcek, Rehberg, Roth, Russell, Sales, Sands, Schye, Simon, Smith, Spaeth, Squires, Stang, Stratford, Strizich, Swift, Switzer, Swysgood, Thoft, Vincent, Wallin, Whalen, Winslow, Mr. Speaker.

Total 94

Noes: None.

Total 0

Excused: DeMars, Ellison, Moore, Ream, Thomas, Williams.

Total 6

Absent or not voting: None.

Total 0

HB 750 - Representative Gilbert moved that HB 750 do pass. Motion carried as follows:

Ayes: Addy, Asay, Bachini, Bardanouve, Bradley, Brandewie, D. Brown, J. Brown, Bulger, Campbell, Cobb, Cody, Cohen, Compton, Connelly, Corne', Daily, Darko, Devlin, Donaldson, Driscoll, Eudaily, Fritz, Giacometto, Gilbert, Glaser, Gould, Grady, Grinde, Hannah, Hansen, Hanson, Harp, Harper, Harrington, Hayne, Hoffman, Holliday, Iverson, Jenkins, Kadas, Keenan, Keller, Kennerly, Kitselman, Koehnke, Lory, McCormick, Manuel, Menahan, Menke, Mercer, Meyers, Miles, Miller, Nathe, Nelson, Nisbet, O'Connell, Patterson, Pavlovich, Peck, Peterson, Phillips, Pistoria, Poff, Poulsen, Quilici, Ramirez, Raney, Rapp-Svrcek, Rehberg, Roth, Russell, Sales, Sands, Schye, Simon, Smith, Spaeth, Squires, Stang, Stratford, Strizich, Swift, Switzer, Swysgood, Thoft, Vincent, Wallin, Whalen, Winslow, Mr. Speaker.

Total 93

Noes: None.

Total 0

Excused: DeMars, Ellison, Moore, Ream, Thomas, Williams.

Total 6

Absent or not voting: Jones.

Total 1

HB 755 - Representative Cobb moved that HB 755 do pass. Motion carried as follows:

Ayes: Addy, Asay, Bachini, Bardanouve, Bradley, Brandewie, D. Brown, J. Brown, Bulger, Campbell, Cobb, Cody, Cohen, Compton, Connelly, Corne', Daily, Darko, Devlin, Donaldson, Driscoll, Eudaily, Fritz, Giacometto, Gilbert, Glaser, Gould, Grady, Grinde, Hannah, Hansen, Hanson, Harp, Harper, Harrington, Hayne, Hoffman, Holliday, Iverson, Jenkins, Kadas, Keenan, Keller, Kennerly, Kitselman, Koehnke, Lory, McCormick, Manuel,

Eudaily, Giacometto, Gilbert, Glaser, Gould, Grady, Grinde, Hannah, Hanson, Harrington, Hayne, Hoffman, Jenkins, Jones, Keenan, Keller, Kitselman, Lory, McCormick, Manuel, Menahan, Menke, Mercer, Miller, Moore, Nathe, Nelson, O'Connell, Patterson, Peterson, Phillips, Pistoria, Quilici, Ramirez, Ream, Rehberg, Roth, Sales, Sands, Schye, Simon, Smith, Stang, Stratford, Swift, Switzer, Swysgood, Thoft, Thomas, Williams, Winslow, Mr. Speaker.

Total 67

Noes: Addy, Bachini, Bardanouve, Bradley, Corne', Daily, Darko, Driscoll, Fritz, Hansen, Harp, Harper, Holliday, Iverson, Kadas, Koehnke, Meyers, Miles, Nisbet, Pavlovich, Peck, Poff, Poulsen, Raney, Rapp-Svrcek, Russell, Spaeth, Squires, Strizich, Vincent, Wallin, Whalen.

Total 32

Excused: Kennerly.

Total 1

Absent or not voting: None.

Total 0

HB 737 passed as follows:

Ayes: Addy, Asay, Bachini, Bardanouve, Bradley, Brandewie, D. Brown, J. Brown, Bulger, Campbell, Cobb, Cody, Cohen, Compton, Connelly, Corne', Daily, Darko, DeMars, Devlin, Donaldson, Driscoll, Ellison, Fritz, Giacometto, Gilbert, Glaser, Gould, Grady, Grinde, Hannah, Hansen, Hanson, Harp, Harper, Harrington, Hayne, Hoffman, Holliday, Iverson, Jenkins, Jones, Kadas, Keenan, Keller, Kitselman, Koehnke, Lory, McCormick, Manuel, Menahan, Menke, Mercer, Miles, Miller, Moore, Nathe, Nelson, Nisbet, O'Connell, Patterson, Pavlovich, Peck, Peterson, Phillips, Pistoria, Poff, Poulsen, Quilici, Ramirez, Raney, Rapp-Svrcek, Ream, Rehberg, Roth, Russell, Sales, Sands, Schye, Simon, Smith, Spaeth, Squires, Stang, Stratford, Strizich, Swift, Switzer, Swysgood, Thoft, Thomas, Vincent, Wallin, Whalen, Williams, Winslow, Mr. Speaker.

Total 97

Noes: Meyers.

Total 1

Excused: Kennerly.

Total 1

Absent or not voting: Eudaily.

Total 1

HB 740 passed as follows:

Ayes: Addy, Asay, Bachini, Bardanouve, Bradley, Brandewie, D. Brown, J. Brown, Bulger, Campbell, Cobb, Cody, Compton, Connelly, Corne', Daily, Darko, DeMars, Devlin, Donaldson, Ellison, Eudaily, Fritz, Giacometto, Gilbert, Glaser, Gould, Grady, Grinde, Hannah, Hansen, Hanson, Harp, Harper, Harrington, Hayne, Hoffman, Holliday, Iverson, Jenkins, Jones, Kadas, Keenan, Keller, Kitselman, Koehnke, Lory, McCormick, Manuel, Menahan, Menke, Mercer, Meyers, Miles, Miller, Moore, Nathe, Nelson, Nisbet, O'Connell, Patterson, Pavlovich, Peck, Peterson, Phillips, Pistoria, Poff, Poulsen, Quilici, Ramirez, Raney, Rapp-Svrcek, Ream, Rehberg, Roth, Russell, Sales, Sands, Schye, Simon, Smith, Spaeth, Squires, Stang, Stratford, Strizich, Swift, Switzer, Swysgood, Thoft, Thomas, Vincent, Wallin, Williams, Winslow, Mr. Speaker.

Total 96

Noes: Cohen, Driscoll.

Total 2

Excused: Kennerly.

Total 1

Absent or not voting: Whalen.

Total 1

HB 745 failed to pass as follows:

Ayes: Addy, Bardanouve, Bradley, Brandewie, J. Brown, Cohen, Connelly, Corne', Darko, Donaldson, Driscoll, Eudaily, Fritz, Gilbert, Gould, Grady, Hannah, Harp, Harper, Jones, Kadas, Kitselman, Lory, McCormick, Menke, Mercer, Nelson, Peck, Peterson, Phillips, Poulsen, Ramirez, Rehberg, Roth, Sales, Sands, Simon, Smith, Squires, Swift, Thomas, Vincent, Wallin, Winslow, Mr. Speaker.

Total 45

Noes: Asay, Bachini, D. Brown, Bulger, Campbell, Cobb, Cody, Compton, Daily, DeMars, Devlin, Ellison, Giacometto, Glaser, Grinde, Hanson, Harrington, Hayne, Hoffman, Holliday, Iverson, Jenkins, Keenan, Keller, Kennerly, Koehnke, Manuel, Menahan, Meyers, Miles, Miller, Moore, Nathe, Nisbet, O'Connell, Patterson, Pavlovich, Pistoria, Poff, Quilici, Raney, Rapp-Svrcek, Ream, Russell, Schye, Spaeth, Stang, Stratford, Strizich, Switzer, Swysgood, Thoft, Whalen, Williams.

Total 54

Paired: Ramirez, Aye; Kennerly, No.

Excused: None.

Total 0

Absent or not voting: Hansen.

Total 1

HB 747 passed as follows:

Ayes: Addy, Asay, Bachini, Bardanouve, Bradley, Brandewie, D. Brown, J. Brown, Bulger, Campbell, Cobb, Cody, Cohen, Compton, Connelly, Corne', Daily, Darko, DeMars, Devlin, Donaldson, Driscoll, Ellison, Eudaily, Fritz, Giacometto, Gilbert, Glaser, Gould, Grady, Grinde, Hannah, Hansen, Hanson, Harp, Harper, Harrington, Hayne, Hoffman, Holliday, Iverson, Jenkins, Jones, Kadas, Keenan, Keller, Kitselman, Koehnke, Lory, McCormick, Manuel, Menahan, Menke, Mercer, Meyers, Miles, Miller, Moore, Nathe, Nelson, Nisbet, O'Connell, Patterson, Pavlovich, Peck, Peterson, Phillips, Pistoria, Poff, Poulsen, Quilici, Ramirez, Raney, Rapp-Svrcek, Ream, Rehberg, Roth, Russell, Sales, Sands, Schye, Simon, Smith, Spaeth, Squires, Stang, Stratford, Strizich, Swift, Switzer, Swysgood, Thoft, Thomas, Vincent, Wallin, Whalen, Williams, Winslow, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: Kennerly.

Total 1

Absent or not voting: None.

Total 0

HB 750 passed as follows:

CHAIRMAN--SEN. JOE MAZUREK
NORMAL SCHEDULE==> SITE: ROOM 325

DAYS: MON THRU FRI

TIME: 10:00 A.M.

SECRETARY-MARY HUBER

--BILL NO--	REFER DATE	HEARING DATE	CONSIDERATION DATES	COMMITTEE ACTION	REREFERRED TO COMM	DATE OUT
HB0720	3/04	3/25		CONCUR		3/25
SPAETH, GARY			ADOPT MODEL CLOSE CORPORATION ACT			
HB0737	3/02	3/26		CONCUR		3/26
BROWN, DAVE			PETITION FOR EXTENSION OF COMMITMENT IN COURT WHERE FACILITY IS LOCATED			
HB0740	3/02	3/26		CONCUR AS AMENDED		3/27
COBB, JOHN			ACCOUNTING FOR AND DISTRIBUTING FINES, ETC. IN JUSTICE COURTS			
HB0748	3/02	3/25		CONCUR AS AMENDED		3/26
RAMIREZ, JACK			ALLOW CORPORATIONS TO LIMIT DIRECTORS' LIABILITY			
HB0754	4/03	4/08		CONCUR AS AMENDED		4/9
BRADLEY, DOROTHY			PROVIDES APPOINTMENT PROCESS FOR WATER JUDGES & ESTABLISHES PRIORITY BASINS			
HB0761	3/02	3/26		TABLED		—
THOFT, BOB			ALTERNATIVE METHOD OF FURNISHING BAIL SET AT \$1,000 OR LESS		tabled 3/27	
HB0790	3/02	3/19		TABLED		3/27
REHBERG, DENNIS			COSTS AND ATTORNEY FEES OF SMALL BUSINESS PAID BY STATE IN CERTAIN ACTIONS			
HB0800	3/02	3/13		ADVERSE REPORT		3/13
RAPP-SVRCEK, PAUL			ALLOW DISCHARGE OF SUPPORT DELINQUENCIES IN CERTAIN INCOME WITHHOLDING CASES			
HB0805	3/02	3/17		TABLED		—
ROTH, RANDE			SUSPEND REGISTRATION AND PLATES FOR NONPAYMENT OF VEHICLE LIABILITY		tabled 3/17	
HB0861	4/03	4/07		CONCUR AS AMENDED		4/9
NATHE, DENNIS			DISCLOSURE OF INFORMATION ON TRANSFER OF RAILROAD LINE			
HB0873	4/02	4/07		CONCUR		4/8
HANNAH, TOM			REVISE AND CLARIFY HOMICIDE LAW			

1 HOUSE BILL NO. 740

2 INTRODUCED BY COBB, VAN VALKENBURG, MERCER,
3 BLAYLOCK, PECK, BISHOP, MILES, ADDY, NEUMAN,
4 REHBERG, THOMAS, GIACOMETTO
5

6 A BILL FOR AN ACT ENTITLED: "AN ACT TO RELIEVE JUSTICES OF
7 THE PEACE FROM OVERLY BURDENSOME BOOKKEEPING AND OTHER
8 ADMINISTRATIVE DUTIES IN REGARD TO FINES, PENALTIES, AND
9 FORFEITURES PAID IN THEIR COURTS; TO REVISE THE METHOD OF
10 DISTRIBUTING THE FINES, PENALTIES, AND FORFEITURES; AMENDING
11 SECTIONS 3-10-601, 7-14-2138, 7-14-2826, 7-22-2117,
12 7-22-2434, 7-23-105, 13-37-124, 13-37-129, 15-1-105,
13 15-8-309, 15-70-101, 19-8-504, 20-7-504, 20-7-505, 20-9-331,
14 20-9-332, 23-2-507, 23-2-644, 32-2-106, 33-2-312, 37-2-301,
15 37-4-327, 37-7-324, 37-8-432, 37-10-313, 37-16-408,
16 37-41-212, 39-71-201, 46-17-303, 46-18-235, 46-18-236,
17 46-18-603, 50-1-204, 50-2-124, 50-52-105, 50-70-118,
18 53-9-109, 61-8-718, 61-10-148, 61-11-104, 61-12-701,
19 75-2-412, 75-5-634, 75-7-216, 75-10-418, 75-20-112,
20 76-13-111, 76-13-114, 77-1-117, 80-3-613, 80-7-704,
21 80-11-313, 81-3-231, 81-4-202, 81-4-621, 81-8-216, 81-8-279,
22 81-23-403, 85-2-123, 85-3-213, 85-15-502, 87-1-601, AND
23 87-4-808, MCA; REPEALING SECTION 3-10-603, MCA; AND
24 PROVIDING AN EFFECTIVE DATE."
25

THERE ARE NO CHANGES ON HB 740 AND DUE
TO LENGTH WILL NOT BE RE RUN. PLEASE
REFER TO SECOND READING (YELLOW) COPY FOR
COMPLETE TEXT.

APPROVED BY COMMITTEE
ON JUDICIARY

HOUSE BILL NO. 740

INTRODUCED BY COBB, VAN VALKENBURG, MERCER,
BLAYLOCK, PECK, BISHOP, MILES, ADDY, NEUMAN,
REHBERG, THOMAS, GIACOMETTO

A BILL FOR AN ACT ENTITLED: "AN ACT TO RELIEVE JUSTICES OF
THE PEACE FROM OVERLY BURDENSOME BOOKKEEPING AND OTHER
ADMINISTRATIVE DUTIES IN REGARD TO FINES, PENALTIES, AND
FORFEITURES PAID IN THEIR COURTS; TO REVISE THE METHOD OF
DISTRIBUTING THE FINES, PENALTIES, AND FORFEITURES; AMENDING
SECTIONS 3-10-601, 7-14-2138, 7-14-2826, 7-22-2117,
7-22-2434, 7-23-105, 13-37-124, 13-37-129, 15-1-105,
15-8-309, 15-70-101, 19-8-504, 20-7-504, 20-7-505, 20-9-331,
20-9-332, 23-2-507, 23-2-644, 32-2-106, 33-2-312, 37-2-301,
37-4-327, 37-7-324, 37-8-432, 37-10-313, 37-16-408,
37-41-212, 39-71-201, 46-17-303, 46-18-235, 46-18-236,
46-18-603, 50-1-204, 50-2-124, 50-52-105, 50-70-118,
53-9-109, 61-8-718, 61-10-148, 61-11-104, 61-12-701,
75-2-412, 75-5-634, 75-7-216, 75-10-418, 75-20-112,
76-13-111, 76-13-114, 77-1-117, 80-3-613, 80-7-704,
80-11-313, 81-3-231, 81-4-202, 81-4-621, 81-8-216, 81-8-279,
81-23-403, 85-2-123, 85-3-213, 85-15-502, 87-1-601, AND
87-4-808, MCA; REPEALING SECTION 3-10-603, MCA; AND
PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 3-10-601, MCA, is amended to read:

"3-10-601. Collection and disposition of fines,
penalties, forfeitures, and fees ---itemized-statement. (1)
Each justice of the peace shall collect the fees prescribed
by law for justices' courts and shall pay them into the
county treasury of the county wherein he holds office, on or
before the 10th day of each month, to be credited to the
general fund of the county.

~~{2}--He--shall--also--file--an--itemized--statement--showing
all--fees--received--during--the--preceding--month--in--his--court--
The--statement--shall--state--that--all--fees--required--by--law--to
be--paid--during--the--preceding--month--in--connection--with
matters--pending--before--the--court--have--been--paid--into--the
county--treasury--and--listed--in--the--itemized--statement--and
that--he--has--not--received--or--been--promised--nor--has--any--one
else--received--or--been--promised--for--him--any--other--moneys,
emolument--or--thing--by--virtue--of--or--in--connection--with--his
office--The--statement--shall--be--subscribed--and--sworn--to--by
the--justice--~~

{2} All fines, penalties, and forfeitures that this
code requires to be imposed, collected, or paid in a
justice's court must, for each calendar month, be paid by
the justice's court on or before the 5th day of the
following month to the treasurer of the county in which the

justice's court is situated.

(3) The county treasurer shall, on-or-before-the--10th day--of-the-month-in-which-it-is-paid IN THE MANNER PROVIDED IN 15-1-504, distribute money received under subsection (2) as follows:

(a) 50% to the state treasurer; and

(b) 50% to the county general fund.

(4) The state treasurer shall distribute money received under subsection (3) as follows:

(a) 23% to the state general fund;

(b) 10% to the fish and game account in the state special revenue fund;

(c) 13% to the state highway account in the state special revenue fund;

(d) 36% to the traffic education account in the state special revenue fund;

(e) 1% to the department of livestock account in the state special revenue fund; and

(f) 17% to the crime victims compensation account in the state special revenue fund."

Section 2. Section 7-14-2138, MCA, is amended to read:

"7-14-2138. Prosecution by county attorney. (1) The county attorney, upon complaint of the road supervisor, county surveyor, or any other person, shall prosecute all actions provided in parts 21 through 28 in the name of the

state of Montana.

(2) All penalties, except those paid to a justice's court, shall be paid into the general fund of the county."

Section 3. Section 7-14-2826, MCA, is amended to read:

"7-14-2826. Regulation of ferry operation -- penalties. (1) The board of commissioners may make all needful rules for the government of ferries and ferrykeepers prescribing:

(a) how many boats must be kept, their character, and how propelled;

(b) the number of hands, boatmen, or ferrymen to be employed and rules for their government;

(c) when and under what circumstances to make trips in the nighttime;

(d) who may be ferried free of toll;

(e) in what cases of danger or peril not to cross;

(f) penalties for violation of regulations;

(g) in case of steamboats, the rate of speed;

(h) the method of and preference in loading and crossing; and

(i) how and by whom action must be brought to recover penalties.

(2) Subject to the foregoing regulations, ferrykeepers must make trips to accommodate all passengers who desire to cross, and any failure to do so subjects the franchise to

1 forfeiture by a proper proceeding for that purpose.

2 (3) The owner of every ferry must have the rates of
3 toll, as fixed by the board, printed or written and posted
4 in some conspicuous place on or near the ferry.

5 (4) All ferrykeepers must keep the banks of the
6 streams or waters at the landings of their ferries graded
7 and in good order for the passage of vehicles. For every day
8 compliance herewith is neglected, \$25 is forfeited, to be
9 collected, except as provided in 3-10-601, for the use of
10 the road fund of the county."

11 Section 4. Section 7-22-2117, MCA, is amended to read:

12 "7-22-2117. Violations. (1) Any person who in any
13 manner interferes with the board or its authorized agent in
14 carrying out the provisions of this part or who refuses to
15 obey an order or notice of the board is guilty of a
16 misdemeanor, and upon conviction thereof, he shall be fined
17 not to exceed \$100 for the first offense and not less than
18 \$100 or more than \$200 for each subsequent offense.

19 (2) All fines, bonds, and penalties collected under
20 the provisions of this part, except those collected by a
21 justice's court, shall be paid to the county treasurer of
22 each county and placed by him to the credit of a fund to be
23 known as the noxious weed fund."

24 Section 5. Section 7-22-2434, MCA, is amended to read:

25 "7-22-2434. Disposition of fines, bonds, and

1 penalties. All fines, forfeited bonds, and penalties
2 collected under the provisions of this part, except those
3 collected by a justice's court, shall be paid to the county
4 treasurer of each county and placed by him to the credit of
5 the mosquito control fund."

6 Section 6. Section 7-23-105, MCA, is amended to read:

7 "7-23-105. Disposition of fines. All fines collected
8 under the provisions of this part and part 21, except those
9 collected by a justice's court, shall be paid into the
10 county treasury and shall be used to pay fees, salaries,
11 costs, or expenses for the enforcement of this part and part
12 21."

13 Section 7. Section 13-37-124, MCA, is amended to read:

14 "13-37-124. Consultation and cooperation with county
15 attorney. (1) Whenever the commissioner determines that
16 there appears to be sufficient evidence to justify a civil
17 or criminal prosecution under chapters 35, 36, or 37 of this
18 title, he shall notify the county attorney of the county in
19 which the alleged violation occurred and shall arrange to
20 transmit to the county attorney all information relevant to
21 the alleged violation. If the county attorney fails to
22 initiate the appropriate civil or criminal action within 30
23 days after he receives notification of the alleged
24 violation, the commissioner may then initiate the
25 appropriate legal action.

(2) A county attorney may, at any time prior to the expiration of the 30-day time period specified in subsection (1), waive his right to prosecute and thereby authorize the commissioner to initiate the appropriate civil or criminal action.

(3) The provisions of subsection (1) do not apply to a situation in which the alleged violation has been committed by the county attorney of a county. In this instance, the commissioner is authorized to directly prosecute any alleged violation of chapters 35, 36, or 37 of this title.

(4) If a prosecution is undertaken by the commissioner, all court costs associated with the prosecution shall be paid by the state of Montana, and all fines and forfeitures imposed pursuant to a prosecution by the commissioner, except those paid to or imposed by a justice's court, shall be deposited in the state general fund."

Section 8. Section 13-37-129, MCA, is amended to read:

"13-37-129. Liability and disposition of fines. In determining the amount of liability under 13-37-128, the court may take into account the seriousness of a violation and the degree of culpability of the defendant. If a judgment is entered against the defendant or defendants in an action brought by a county attorney in a court other than a justice's court, the county shall receive 50% of the

amount recovered. The remaining 50% shall be deposited in the general fund of the state. In an action brought by the commissioner in a court other than a justice's court, the entire amount recovered shall be paid to the general fund of the state."

Section 9. Section 15-1-105, MCA, is amended to read:

"15-1-105. Fines and forfeitures to county. All fines, forfeitures, and penalties incurred by a violation of any of the provisions of the state tax laws, except those paid to a justice's court, must be paid into the treasury for the use of the county where the person against whom the recovery is had resides."

Section 10. Section 15-8-309, MCA, is amended to read:

"15-8-309. Violation and penalty. (1) Every person who refuses to furnish the statement hereinbefore required or to make and subscribe such affidavit respecting his name and place of residence or to appear and testify when requested so to do by the department, as above provided, for each and every refusal and as often as the same is repeated forfeits to the people of the state the sum of \$100 to be recovered by action brought in the name of the state in any city or justice's court.

(2) All moneys recovered under the provisions of this section, except moneys paid to a justice's court, must be paid into the treasury of the county in which the property

1 is located."

2 Section 11. Section 15-70-101, MCA, is amended to
3 read:

4 "15-70-101. Disposition of funds. All taxes, interest,
5 and penalties collected under this chapter, except those
6 collected by a justice's court, shall be turned over
7 promptly to the state treasurer, who shall place the same in
8 the state special revenue fund to the credit of the
9 department of highways. Those funds hereinbelow allocated
10 to cities, towns, and counties shall be paid by the
11 department of highways from the state special revenue fund
12 to such cities, towns, and counties.

13 (1) \$14,000,000 of the funds collected under this
14 chapter, except those collected by a justice's court, is
15 statutorily appropriated, as provided in 17-7-502, to the
16 department of highways and shall be allocated each fiscal
17 year on a monthly basis to the counties and incorporated
18 cities and towns in Montana for construction,
19 reconstruction, maintenance, and repair of rural roads and
20 city or town streets and alleys, as provided in subsections
21 (a) and (b) hereof:

22 (a) \$6,350,000 shall be divided among the various
23 counties in the following manner:

24 (i) 40% in the ratio that the rural road mileage in
25 each county, exclusive of the federal-aid interstate system

1 and the federal-aid primary system, bears to the total rural
2 road mileage in the state, exclusive of the federal-aid
3 interstate system and the federal-aid primary system;

4 (ii) 40% in the ratio that the rural population in each
5 county outside incorporated cities and towns bears to the
6 total rural population in the state outside incorporated
7 cities and towns;

8 (iii) 20% in the ratio that the land area of each
9 county bears to the total land area of the state;

10 (b) \$7,650,000 shall be divided among the incorporated
11 cities and towns in the following manner:

12 (i) 50% of the sum in the ratio that the population
13 within the corporate limits of the city or town bears to the
14 total population within corporate limits of all the cities
15 and towns in Montana;

16 (ii) 50% in the ratio that the city or town street and
17 alley mileage, exclusive of the federal-aid interstate
18 system and the federal-aid primary system, within corporate
19 limits bears to the total street and alley mileage,
20 exclusive of the federal-aid interstate system and
21 federal-aid primary system, within the corporate limits of
22 all cities and towns in Montana.

23 (2) All funds hereby allocated to counties, cities,
24 and towns shall be used for the construction,
25 reconstruction, maintenance, and repair of rural roads, city

1 or town streets and alleys or for the share which such city,
 2 town, or county might otherwise expend for proportionate
 3 matching of federal funds allocated for the construction of
 4 roads or streets which are part of the federal-aid primary
 5 or secondary highway system or urban extensions thereto,
 6 except that the governing body of a town or third-class
 7 city, as defined in 7-1-4111, may each year expend no more
 8 than 25% of the funds allocated to that town or third-class
 9 city for the purchase of capital equipment and supplies to
 10 be used for the maintenance and repair of town or
 11 third-class city streets and alleys.

12 (3) Upon receipt of the allocation provided herein,
 13 the governing bodies of the recipient counties, cities, and
 14 towns shall inform the department of highways of the
 15 purposes for which the funds will be expended so that the
 16 county commissioners, the governing body, and the department
 17 of highways may coordinate the expenditure of public funds
 18 for road improvements.

19 (4) All funds hereby allocated to counties, cities,
 20 and towns shall be disbursed to the lowest responsible
 21 bidder according to applicable bidding procedures followed
 22 in all cases where the contract for construction,
 23 reconstruction, maintenance, or repair is in excess of
 24 \$4,000.

25 (5) For the purposes of this section where

1 distribution of funds is made on a basis related to
 2 population, the population shall be determined by the last
 3 preceding official federal census.

4 (6) For the purposes of this section where
 5 determination of mileage is necessary for distribution of
 6 funds, it shall be the responsibility of the cities, towns,
 7 and counties to furnish to the department of highways a
 8 yearly certified statement indicating the total mileage
 9 within their respective areas applicable to this chapter.
 10 All mileage submitted shall be subject to review and
 11 approval by the department of highways.

12 (7) Except by a town or third-class city as provided
 13 in subsection (2), none of the funds authorized by this
 14 section shall be used for the purchase of capital equipment.

15 (8) Funds authorized by this section shall be used for
 16 construction and maintenance programs only."

17 Section 12. Section 19-8-504, MCA, is amended to read:

18 "19-8-504. State's contribution. Each month the state
 19 treasurer shall pay to the account, out of the department of
 20 fish, wildlife, and parks moneys, a sum equal to 7.15% of
 21 the total of all members' salaries, and out of the moneys
 22 collected as fines and forfeited bonds under the provisions
 23 of 87-1-601 or moneys distributed under 3-10-601(4), all
 24 such collections are statutorily appropriated to the account
 25 until the unfunded liability in the account is solvent and a

1 verification statement to that effect is given to the state
2 treasurer by the board."

3 Section 13. Section 20-7-504, MCA, is amended to read:

4 "20-7-504. State traffic education account -- proceeds
5 earmarked for the account. (1) There is a traffic education
6 account in the treasury of the state of Montana. There shall
7 be paid into this account a portion of the fines and
8 forfeitures collected in any court except a justice's court
9 from persons apprehended or arrested by highway patrol
10 officers or department of highways peace officers for any
11 violation of chapter 3, part 1 of chapter 4, or chapters 5
12 through 10 of Title 61 relating to the operation or use of
13 motor vehicles in the following amounts:

14 (a) if a fine is imposed, 25% of the fine imposed;

15 (b) if multiple offenses are involved, 25% of the
16 total sum of all fines imposed;

17 (c) if a fine is suspended, in whole or in part, 25%
18 of the fine actually paid; and

19 (d) if any deposit of bail is made for an offense to
20 which this section applies and the bail is forfeited, 25% of
21 the forfeited bail.

22 (2) A portion of all money from the collection of fees
23 from driver's licenses, motorcycle endorsements, and
24 duplicate driver's licenses shall be contributed to the
25 traffic education account as provided in 61-5-121."

1 Section 14. Section 20-7-505, MCA, is amended to read:

2 "20-7-505. Transmittal of proceeds from fines and
3 other sources. (1) The portion of the proceeds from fines
4 and bail forfeitures, except those paid to a justice's
5 court, which are to be deposited in the traffic education
6 account shall be transmitted to the county treasurer by the
7 court collecting them, in the manner and at the times that
8 fines and bail forfeitures are transmitted to the county
9 treasurer under law. The court shall indicate what portion
10 of each fine is to be credited to the traffic education
11 account. The county treasurer shall transmit monthly to the
12 state treasurer, without deduction, the portions of the
13 fines received, except those paid to a justice's court,
14 which are to be credited to the traffic education account.

15 (2) When a court is required to transmit fees, fines,
16 and forfeitures directly to the state treasurer, the gross
17 proceeds including the portion of the fines to be credited
18 to the traffic education account shall be transmitted to the
19 state treasurer and the appropriate portion shall be
20 deposited in the traffic education account."

21 Section 15. Section 20-9-331, MCA, is amended to read:

22 "20-9-331. Basic county tax and other revenues for
23 county equalization of the elementary district foundation
24 program. (1) It shall be the duty of the county
25 commissioners of each county to levy an annual basic tax of

1 28 mills on the dollars of the taxable value of all taxable
 2 property within the county for the purposes of local and
 3 state foundation program support. The revenue to be
 4 collected from this levy shall be apportioned to the support
 5 of the foundation programs of the elementary school
 6 districts in the county and to the state special revenue
 7 fund, state equalization aid account, in the following
 8 manner:

9 (a) In order to determine the amount of revenue raised
 10 by this levy which is retained by the county, the sum of the
 11 estimated revenues identified in subsection (2) below shall
 12 be subtracted from the sum of the county elementary
 13 transportation obligation and the total of the foundation
 14 programs of all elementary districts of the county.

15 (b) If the basic levy prescribed by this section
 16 produces more revenue than is required to finance the
 17 difference determined above, the county treasurer shall
 18 remit the surplus funds to the state treasurer for deposit
 19 to the state special revenue fund, state equalization aid
 20 account, immediately upon occurrence of a surplus balance
 21 and each subsequent month thereafter, with any final
 22 remittance due no later than June 20 of the fiscal year for
 23 which the levy has been set.

24 (2) The proceeds realized from the county's portion of
 25 the levy prescribed by this section and the revenues from

1 the following sources shall be used for the equalization of
 2 the elementary district foundation programs of the county as
 3 prescribed in 20-9-334, and a separate accounting shall be
 4 kept of such proceeds and revenues by the county treasurer
 5 in accordance with 20-9-212(1):

6 (a) the portion of the federal Taylor Grazing Act
 7 funds distributed to a county and designated for the common
 8 school fund under the provisions of 17-3-222;

9 (b) the portion of the federal flood control act funds
 10 distributed to a county and designated for expenditure for
 11 the benefit of the county common schools under the
 12 provisions of 17-3-232;

13 (c) all money paid into the county treasury as a
 14 result of fines for violations of law, except money paid to
 15 a justice's court, and the use of which is not otherwise
 16 specified by law;

17 (d) any money remaining at the end of the immediately
 18 preceding school fiscal year in the county treasurer's
 19 account for the various sources of revenue established or
 20 referred to in this section;

21 (e) any federal or state money, including anticipated
 22 or reappropriated motor vehicle fees and reimbursement under
 23 the provisions of 61-3-532 and 61-3-536, distributed to the
 24 county as payment in lieu of the property taxation
 25 established by the county levy required by this section; and

(f) net proceeds taxes for new production, as defined in 15-23-601."

Section 16. Section 20-9-332, MCA, is amended to read:

"20-9-332. Fines and penalties proceeds for elementary county equalization. All fines and penalties collected under the provisions of this title, ~~shall be collected by the action of a court of competent jurisdiction and~~ except those collected by a justice's court, shall be paid into the county elementary equalization fund as provided by 20-9-331(2)(c). In order to implement this section and any other provision of law requiring the deposit of fines in the elementary county equalization fund, ~~the following reports a report~~ shall be made to the county superintendent of the county, ~~in which each court or justice of the peace shall have jurisdiction:~~

~~(1) during the month of September, each justice of the peace shall report all fines imposed and collected during the preceding year, indicating the type of violation and the date of collection; and~~

~~(2) at the close of each term, by the clerk of each district court, shall report reporting all fines imposed and collected during the term, and indicating the type of violation and the date of collection."~~

Section 17. Section 23-2-507, MCA, is amended to read:

"23-2-507. Penalty. Violations of any section of this

part, except ~~subsection (3) of 23-2-526(3)~~, unless otherwise specified shall be a misdemeanor and be punishable by fine of not less than \$15 or more than \$500 or by imprisonment up to 6 months or by both such fine and imprisonment. All fine and bond forfeitures, except those paid to a justice's court, shall be transmitted to the state treasurer, who shall deposit such fines and forfeitures in the motorboat account of an earmarked fund. The moneys shall be used only by the department for enforcement of this part, as amended."

Section 18. Section 23-2-644, MCA, is amended to read:

"23-2-644. Use of funds from fines and forfeitures. All fines and forfeitures collected under this part relating to snowmobiles, except those collected by a justice's court, shall be transmitted to the state treasurer, who shall deposit such fines and forfeitures in the state special revenue fund to the credit of the department to be used only for snowmobile safety and education."

Section 19. Section 32-2-106, MCA, is amended to read:

"32-2-106. Penalties. (1) It shall be unlawful for any association, whether foreign or domestic and whether citizens of this state or otherwise, to do business or attempt to do business, as defined in this chapter, without having first complied with its provisions and having received a certificate of authority to do business from the department. Any such association violating any of the

1 provisions of this chapter and failing to comply with any of
 2 its provisions shall be fined not less than \$250 or more
 3 than \$1,000 for each and every such violation, to be
 4 recovered by an action in the name of the state and on
 5 collection, except when collected by a justice's court, paid
 6 into the state treasury.

7 (2) Any person or persons, whether citizens of this
 8 state or otherwise, who aid or assist any such association
 9 to do business contrary to the provisions of this chapter
 10 without having first complied with all of its provisions
 11 shall be guilty of a misdemeanor and on conviction thereof
 12 shall be fined not more than \$500 or imprisoned not more
 13 than 6 months, or both."

14 Section 20. Section 33-2-312, MCA, is amended to read:

15 "33-2-312. Penalty for failure to file statement or
 16 pay tax. Every surplus line agent who fails to make and file
 17 the annual statement as required under 33-2-310 or to pay
 18 the taxes as required under 33-2-311 shall be liable to a
 19 penalty of \$25 for each day of delinquency, commencing with
 20 April 1. The tax and penalty may be recovered in an action
 21 instituted by the commissioner in the name of the state in
 22 any court of competent jurisdiction, the attorney general
 23 representing him. The penalty when collected, unless
 24 collected by a justice's court, shall be paid to the state
 25 treasurer and placed to the credit of the general fund. The

1 surplus line agent's license shall also be subject to
 2 revocation as provided in 33-2-313."

3 Section 21. Section 37-2-301, MCA, is amended to read:

4 "37-2-301. Duty to report cases of communicable
 5 disease. (1) If a physician or other practitioner of the
 6 healing arts examines or treats a person whom he believes
 7 has a communicable disease or a disease declared reportable
 8 by the department of health and environmental sciences, he
 9 shall immediately report the case to the local health
 10 officer. The report shall be in the form and contain
 11 information prescribed by the department.

12 (2) A person who violates the provisions of this
 13 section or rules adopted by the department under the
 14 provisions of this section is guilty of a misdemeanor. On
 15 conviction, he shall be fined not less than \$10 or more than
 16 \$500, imprisoned for not more than 90 days, or both. Each
 17 day of violation constitutes a separate offense. Fines,
 18 except those collected by a justice's court, shall be paid
 19 to the county treasurer of the county in which the violation
 20 occurs."

21 Section 22. Section 37-4-327, MCA, is amended to read:

22 "37-4-327. Practicing dentistry without certificate --
 23 penalty. (1) A person who, as principal, agent, employer,
 24 employee, or assistant, practices dentistry or who does an
 25 act of dentistry without having first secured a certificate

1 to practice dentistry from the department entitling him to
 2 practice in this state is guilty of a misdemeanor and on
 3 conviction in a district court may be fined not less than
 4 \$500 or more than \$1,000 or be confined for a period not
 5 exceeding 6 months in the county jail.

6 (2) Fines imposed and collected under this chapter,
 7 except those paid to a justice's court, shall be paid into
 8 the treasury of the county in which the suits, actions, or
 9 proceedings are commenced. Money paid into the treasury over
 10 and above the amount necessary to reimburse the county for
 11 expense incurred by the county in a suit, action, or
 12 proceeding brought under this chapter shall be deposited
 13 before January 1 of each year in the state special revenue
 14 fund for the use of the board, subject to 37-1-101(6)."

15 Section 23. Section 37-7-324, MCA, is amended to read:

16 "37-7-324. Deposit of fees and fines. Fines paid under
 17 this chapter, except those paid to a justice's court, and
 18 fees collected by the department for registration and
 19 licenses issued under this chapter shall be deposited in the
 20 state special revenue fund for the use of the board, subject
 21 to 37-1-101(6)."

22 Section 24. Section 37-8-432, MCA, is amended to read:

23 "37-8-432. Deposit of fees. Fees and fines collected
 24 by the department under this chapter, except those collected
 25 by a justice's court, shall be deposited in the state

1 special revenue fund for the use of the board, subject to
 2 37-1-101(6)."

3 Section 25. Section 37-10-313, MCA, is amended to
 4 read:

5 "37-10-313. Penalty for violations -- deposit of
 6 fines. A person who violates this chapter, except 37-10-104,
 7 or the rules of the board is guilty of a misdemeanor and on
 8 conviction shall be fined not less than \$200 and not more
 9 than \$500 or imprisoned in the county jail not exceeding 6
 10 months or both fined and imprisoned. Fines collected, except
 11 those collected by a justice's court, shall be deposited in
 12 the state special revenue fund for the use of the board,
 13 subject to 37-1-101(6)."

14 Section 26. Section 37-16-408, MCA, is amended to
 15 read:

16 "37-16-408. Deposit of fees and fines. Fees and fines
 17 collected under this chapter, except those collected by a
 18 justice's court, shall be deposited in the state special
 19 revenue fund for the use of the board, subject to
 20 appropriations and 37-1-101(6)."

21 Section 27. Section 37-41-212, MCA, is amended to
 22 read:

23 "37-41-212. Enforcement responsibility -- penalty --
 24 deposit of fines. (1) State and local health officers shall
 25 enforce this chapter.

(2) A person who violates this chapter or a rule of the department is guilty of a misdemeanor and upon conviction shall be fined not more than \$500.

(3) All fines collected under this section, except those collected by a justice's court, shall be deposited in the general fund of the county in which the action is brought."

Section 28. Section 39-71-201, MCA, is amended to read:

"39-71-201. Administration fund. (1) A workers' compensation administration fund is established out of which all costs of administering the Workers' Compensation and Occupational Disease Acts and the various occupational safety acts the division must administer are to be paid upon lawful appropriation. The following moneys collected by the division shall be deposited in the state treasury to the credit of the workers' compensation administrative fund and shall be used for the administrative expenses of the division:

(a) all fees and fines penalties provided in 39-71-205 and 39-71-304;

(b) all fees paid for inspection of boilers and issuance of licenses to operating engineers as required by law;

(c) all fees paid from an assessment on each plan No.

1 employer, plan No. 2 insurer, and plan No. 3, the state insurance fund. The assessments shall be levied against the preceding calendar year's gross annual payroll of the plan No. 1 employers and the gross annual direct premiums collected in Montana on the policies of the plan No. 2 insurers, insuring employers covered under the chapter, during the preceding calendar year. However, no assessment of the plan No. 1 employer or plan No. 2 insurer shall be less than \$200. The assessments shall be sufficient to fund the direct costs identified to the three plans and an equitable portion of the indirect costs based on the ratio of the preceding fiscal year's indirect costs distributed to the plans using proper accounting and cost allocation procedures. Plan No. 3 shall be assessed an amount sufficient to fund its direct costs and an equitable portion of the indirect costs as referred to above. Other sources of revenue, including unexpended funds from the preceding fiscal year, shall be used to reduce the costs before levying the assessments.

(2) The administration fund shall be debited with expenses incurred by the division in the general administration of the provisions of this chapter, including the salaries of its members, officers, and employees and the travel expenses of the members, officers, and employees, as provided for in 2-18-501 through 2-18-503, as amended,

1 incurred while on the business of the division either within
2 or without the state.

3 (3) Disbursements from the administration money shall
4 be made after being approved by the division upon claim
5 therefor."

6 Section 29. Section 46-17-303, MCA, is amended to
7 read:

8 "46-17-303. Deposit of fines. All fines imposed and
9 collected by a justice's or city court must be paid to the
10 treasurer of the county, city, or town, as the case may be,
11 within 30 days after the receipt of the same. The justice or
12 city judge must take duplicate receipts therefor, one of
13 which he must deposit with the county, city, or town clerk,
14 as the case may be."

15 Section 30. Section 46-18-235, MCA, is amended to
16 read:

17 "46-18-235. Disposition of money collected as fines
18 and costs. The money collected by a court, except money
19 collected by a justice's court, as a result of the
20 imposition of fines or assessment of costs under the
21 provisions of 46-18-231 and 46-18-232 shall be paid to the
22 county general fund of the county in which the court is
23 held, except that:

24 (1) if the costs assessed include any district court
25 expense listed in 3-5-901, the money collected from

1 assessment of these costs must be paid to the department of
2 commerce for deposit into the state general fund to the
3 extent the expenses were paid by the state; and

4 (2) if the fine was imposed for a violation of Title
5 45, chapter 9, the court may order the money paid into the
6 drug forfeiture fund maintained under 44-12-206 for the law
7 enforcement agency which made the arrest from which the
8 conviction and fine arose."

9 Section 31. Section 46-18-236, MCA, is amended to
10 read:

11 "46-18-236. Imposition of charge upon conviction or
12 forfeiture -- administration. (1) Except as provided in
13 subsection (2), there must be imposed by all courts of
14 original jurisdiction on a defendant upon his conviction for
15 any conduct made criminal by state statute or upon
16 forfeiture of bond or bail a charge that is in addition to
17 other taxable court costs, fees, or fines, as follows:

18 (a) \$10 for each misdemeanor charge; and

19 (b) the greater of \$20 or 10% of the fine levied for
20 each felony charge.

21 (2) If a convicting court determines under 46-18-231
22 and 46-18-232 that the defendant is not able to pay the fine
23 and costs or that he is unable to pay within a reasonable
24 time, the court must waive payment of the charge imposed by
25 this section.

(3) The charge imposed by this section is not a fine and must be imposed in addition to any fine and may not be used in determining the jurisdiction of any court.

(4) When the payment of a fine is to be made in installments over a period of time, the charge imposed by this section must be collected from the first payment made and each subsequent payment as necessary if the first payment is not sufficient to cover the charge.

(5) The charges collected under subsection (1), except those collected by a justice's court, must be deposited with the appropriate local government finance officer or treasurer. If a city municipal court or city or town court is the court of original jurisdiction, the charges collected under subsection (1) must be deposited with the city or town finance officer or treasurer. If a ~~justice's court~~ or district court is the court of original jurisdiction, the charges collected under subsection (1) must be deposited with the county finance officer or treasurer. If the court of original jurisdiction is a court within a consolidated city-county government within the meaning of Title 7, chapter 3, the charges collected under subsection (1) must be deposited with the finance officer or treasurer of the consolidated government.

(6) (a) A city or town finance officer or treasurer may retain the charges collected under subsection (1) by a

city municipal court or a city or town court and may use that money for the payment of salaries of the city or town attorney and his deputies.

(b) Each county finance officer or treasurer may retain the charges collected under subsection (1) by district ~~or justices~~ courts for crimes committed or alleged to have been committed within that county. The county finance officer or treasurer shall use the money for the payment of salaries of its deputy county attorneys and for the payment of other salaries in the office of the county attorney, and any funds not needed for such salaries may be used for the payment of any other county salaries."

Section 32. Section 46-18-603, MCA, is amended to read:

"46-18-603. Disposition of fines and forfeitures. All fines and forfeitures collected in any court except city courts must be applied to the payment of the costs of the case in which the fine is imposed or the forfeiture incurred. After such costs are paid, the residue, if not paid to a justice's court or otherwise provided by law, must be paid to the county treasurer of the county in which the court is held and by him credited as provided by law. If the fine or forfeiture is paid to the county treasurer, at the time of such payment there shall be filed with the county treasurer a complete statement showing the total of the fine

1 or forfeiture received or incurred with an itemized
2 statement of the costs incurred by the county in such
3 action. The statement shall give the title of the cause and
4 be subscribed by the person or officer making such payment."

5 Section 33. Section 50-1-204, MCA, is amended to read:

6 "50-1-204. Quarantine measures. The department may
7 adopt and enforce quarantine measures against a state,
8 county, or municipality to prevent the spread of
9 communicable disease. A person who does not comply with
10 quarantine measures shall, on conviction, be fined not less
11 than \$10 or more than \$100. Receipts from fines, except
12 justice's court fines, shall be deposited in the state
13 general fund."

14 Section 34. Section 50-2-124, MCA, is amended to read:

15 "50-2-124. Penalties for violations. (1) A person who
16 does not comply with rules adopted by a local board is
17 guilty of a misdemeanor. On conviction, he shall be fined
18 not less than \$10 or more than \$200.

19 (2) Except as provided in subsection (1) of this
20 section and 50-2-123, a person who violates the provisions
21 of this chapter or rules adopted by the department under the
22 provisions of this chapter is guilty of a misdemeanor. On
23 conviction, he shall be fined not less than \$10 or more than
24 \$500, imprisoned for not more than 90 days, or both.

25 (3) Each day of violation constitutes a separate

1 offense.

2 (4) Fines, except justice's court fines, shall be paid
3 to the county treasurer of the county in which the violation
4 occurs."

5 Section 35. Section 50-52-105, MCA, is amended to
6 read:

7 "50-52-105. Violation of chapter a misdemeanor. (1) A
8 person violating a provision of this chapter or a rule made
9 under it shall be guilty of a misdemeanor and upon
10 conviction shall be fined not less than \$50 or more than
11 \$100 for the first offense and not less than \$75 or more
12 than \$200 for the second offense, and for the third and
13 subsequent offenses, he shall be punished by a fine of not
14 less than \$200 and imprisonment in the county jail not to
15 exceed 90 days.

16 (2) Fines, except justice's court fines, shall be paid
17 to the county treasurer of the county in which the
18 establishment is located. The county treasurer shall send
19 all fines collected to the state treasurer for deposit in
20 the state general fund."

21 Section 36. Section 50-70-118, MCA, is amended to
22 read:

23 "50-70-118. Penalty. (1) A person who violates this
24 chapter relating to limitations of levels, concentrations,
25 or quantities of emissions of various pollutants from a

1 source determined to be necessary to prevent, abate, or
2 control occupational diseases (unless in compliance with
3 this chapter) is guilty of an offense and subject to a fine
4 not to exceed \$1,000. Each day of violation constitutes a
5 separate offense.

6 (2) Proceedings under this section are not a bar to
7 enforcement of this chapter or of rules or orders made under
8 it by injunction or other appropriate remedy. The department
9 may institute and maintain in the name of the state these
10 enforcement proceedings.

11 (3) This chapter does not abridge, limit, impair,
12 create, enlarge, or otherwise affect substantively or
13 procedurally the right of a person to damage or other relief
14 on account of injury to persons or property and to maintain
15 an action or other appropriate proceeding.

16 (4) Fines collected, except those collected by a
17 justice's court, shall be deposited to the state general
18 fund."

19 Section 37. Section 53-9-109, MCA, is amended to read:

20 "53-9-109. Crime victims compensation account. There
21 is a crime victims compensation account in the state special
22 revenue fund. There shall be paid into this account 18% of
23 the fines assessed and bails forfeited, except those paid to
24 a justice's court, on all offenses involving a violation of
25 chapter 3, part 1 of chapter 4, or chapters 5 through 10 of

1 Title 61, that are a result of citations or tickets issued
2 by the highway patrol."

3 Section 38. Section 61-8-718, MCA, is amended to read:

4 "61-8-718. Penalty for violation of fuel conservation
5 speed limit. (1) A person violating the speed limit imposed
6 pursuant to 61-8-304 is guilty of the offense of unnecessary
7 waste of a resource and upon conviction shall be fined \$5,
8 and no jail sentence may be imposed. Bond for this offense
9 shall be \$5.

10 ~~{2}--For-the-purpose-of-this-section-only, the fees--of~~
11 ~~the--justice's--court--shall--be--the--balance--of--the--fine--not~~
12 ~~otherwise--allocated--by--law--and--shall--be--remitted--as--set~~
13 ~~forth--in--3-10-603{3}--~~

14 ~~{3}{2}~~ A violation of 61-8-304 is not a misdemeanor
15 pursuant to 45-2-101, 61-8-104, or 61-8-711."

16 Section 39. Section 61-10-148, MCA, is amended to
17 read:

18 "61-10-148. Disposition of fines and forfeited bonds.
19 Except as provided in 61-12-701, one-half of all the money
20 collected as fines and forfeited bonds for violations of
21 Title 61, chapter 10, must be remitted monthly by the county
22 treasurer to the state treasurer for deposit in the state
23 highway account in the state special revenue fund. The
24 remaining half, less the deductions required by law, must be
25 deposited in the county road fund. This section does not

1 apply to fines and forfeited bonds paid to justices'
2 courts."

3 Section 40. Section 61-11-104, MCA, is amended to
4 read:

5 "61-11-104. Reports by justices of the peace and
6 county--treasurers. Justices of the peace and---county
7 ~~treasurers~~ shall furnish make available to the department
8 ~~statements-of-all-fees,-fines,-and-forfeitures--and~~ records
9 of cases which involve the state highway patrol as the
10 department may request."

11 Section 41. Section 61-12-701, MCA, is amended to
12 read:

13 "61-12-701. Disposition of fines and forfeitures. {1}
14 All fines and forfeitures collected in any court, except a
15 justice's court, for violation of the laws and regulations
16 relating to the use of state highways and the operation of
17 vehicles thereon, if the apprehension or arrest was by a
18 highway patrolman, must be paid to the state treasurer and
19 by him credited to the general fund of the state or, if the
20 apprehension or arrest was by a sheriff or deputy sheriff,
21 must be paid to the county treasurer for deposit in the
22 county general fund, except for that portion of the fines
23 otherwise allocated by law which must be paid into the
24 appropriate accounts in the state special revenue fund.

25 {2}--~~At-the-time-of-payment-of-the-fine-or--forfeiture,~~

1 ~~there--must--be--filed--with--the--appropriate--treasurer--a~~
2 ~~complete--statement--showing--the--total--of--the--fines--or~~
3 ~~forfeitures--received--or--incurred,-giving-the-title-of-the~~
4 ~~court-and-cause,-and-subscribed-to-by-the-person-or--officer~~
5 ~~making-the-payments,-"~~

6 Section 42. Section 75-2-412, MCA, is amended to read:

7 "75-2-412. Criminal penalties -- injunction preserved.

8 (1) A person who violates this chapter or a rule, order, or
9 permit made or issued under it, other than 75-2-105, is
10 guilty of an offense and subject to a fine not to exceed
11 \$1,000. Each day of violation constitutes a separate
12 offense.

13 (2) A person who willfully violates 75-2-105 is guilty
14 of an offense and subject to a fine not to exceed \$1,000.

15 (3) Fines collected, except those collected in a
16 justice's court, shall be deposited to the state general
17 fund.

18 (4) Action under this section is not a bar to
19 enforcement of this chapter or of a rule, order, or permit
20 made or issued under it by injunction or other appropriate
21 remedy. The department may institute and maintain in the
22 name of the state any enforcement proceedings."

23 Section 43. Section 75-5-634, MCA, is amended to read:

24 "75-5-634. Fines to go to general fund. Fines
25 collected, except those collected in a justice's court,

1 shall be deposited to the state general fund."

2 Section 44. Section 75-7-216, MCA, is amended to read:

3 "75-7-216. Penalty. (1) A person who violates an order
4 issued under this part or who knowingly violates a
5 regulation made under this part commits a misdemeanor and on
6 conviction may be sentenced to 30 days in the county jail or
7 fined \$500, or both.

8 (2) Fines collected under this section, except those
9 collected in a justice's court, shall be paid to the general
10 fund of the county where the offense was committed for the
11 purpose of administering this part."

12 Section 45. Section 75-10-418, MCA, is amended to
13 read:

14 "75-10-418. Criminal penalties. (1) Any person who
15 knowingly transports any hazardous waste to an unpermitted
16 facility; who treats, stores, or disposes of hazardous waste
17 without a permit; or who makes any false statement or
18 representation in any application, label, manifest, record,
19 report, permit, or other document filed or maintained as
20 required by the provisions of this part or rules made under
21 this part is subject to a fine not to exceed \$10,000 for
22 each violation or imprisonment not to exceed 6 months, or
23 both. A person convicted for a violation of this section
24 after a first conviction under this section is subject to a
25 fine not to exceed \$20,000 for each violation or

1 imprisonment not to exceed 1 year, or both. Each day of
2 violation constitutes a separate violation.

3 (2) Action under this section does not bar enforcement
4 of this part, rules made under this part, orders of the
5 department or the board, or permits by injunction or other
6 appropriate remedy.

7 (3) Money collected under this section, except money
8 collected in a justice's court, shall be deposited in the
9 state general fund."

10 Section 46. Section 75-20-112, MCA, is amended to
11 read:

12 "75-20-112. Money to state special revenue fund. All
13 fees, taxes, fines, and penalties collected under this
14 chapter, except those collected by a justice's court, shall
15 be deposited in the state special revenue fund for use by
16 the department in carrying out its functions and
17 responsibilities under this chapter."

18 Section 47. Section 76-13-111, MCA, is amended to
19 read:

20 "76-13-111. Permissible expenditures. (1) The
21 following funds may be expended as directed by the
22 department for fire prevention, detection, suppression and
23 for forest range, water, and soil conservation:

24 (a) all moneys collected by county treasurers as
25 assessments on forest lands for forest protection;

1 (b) moneys collected for the abatement of public
2 nuisances;

3 (c) all fines collected, except those collected in a
4 justice's court, for violations of this part or part 2;

5 (d) the state's share of the cooperative fire
6 protection funds allocated by the federal government;

7 (e) any other funds provided for the purposes herein
8 indicated.

9 (2) All other cooperative funds collected,
10 appropriated, or allocated for the use of the department,
11 including funds for the removal of slash hazards resulting
12 from logging or other wood operations on state and private
13 forest lands, those provided for the purpose of helping to
14 maintain the maximum productivity of the forests of the
15 state, those provided for purposes designed to assist the
16 farmers of the state in the establishment of windbreaks and
17 woodlots in localities where those forest plantings are
18 helpful, and funds for other cooperative work, may not be
19 expended except for the specific purposes for which they
20 were collected, appropriated, or allocated."

21 Section 48. Section 76-13-114, MCA, is amended to
22 read:

23 "76-13-114. Disposition of fines. Fines collected in a
24 court of the state under this part or part 2, except those
25 collected in a justice's court, shall be transferred to the

1 state treasurer for deposit in the agency fund. Whenever a
2 person is convicted in any court of a violation of this part
3 or part 2, the court may levy and collect as costs in the
4 case the amount necessary to compensate the county for the
5 expenditures made in and for the prosecution of the
6 offender. These costs when collected, except those collected
7 in a justice's court, shall be deposited by the court with
8 the proper county treasurer for the benefit of the county."

9 Section 49. Section 77-1-117, MCA, is amended to read:

10 "77-1-117. Disposition of fines. Unless otherwise
11 provided, all money received as fines, fees, and forfeitures
12 under this title or as penalties for the violation of any of
13 the land laws of this state, except money received by a
14 justice's court, shall be paid to the state treasurer and by
15 him deposited to the credit of the general fund."

16 Section 50. Section 80-3-613, MCA, is amended to read:

17 "80-3-613. Violation -- penalty. A person who violates
18 this part, fails to comply with rules adopted under this
19 part, or fails to obey an order of the department made under
20 this part is guilty of a misdemeanor and shall be fined not
21 less than \$25 or more than \$500, imprisoned in the county
22 jail for not more than 6 months, or both fined and
23 imprisoned. The fine, except a fine paid to a justice's
24 court, shall be paid into the state treasury and deposited
25 as provided in 80-3-612."

Section 51. Section 80-7-704, MCA, is amended to read:

"80-7-704. Disposition of fines and inspection fees.

All fines levied as provided in 80-7-703, except fines paid to a justice's court, and all fees collected from inspections shall be deposited with the state treasurer to the credit of the state special revenue fund for the use of the department for the purpose of administering and enforcing 80-7-701 through 80-7-704."

Section 52. Section 80-11-313, MCA, is amended to read:

"80-11-313. Penalty. In addition to the penalty specified in 80-11-312, any person who violates or aids in a violation of any of the provisions of this part or any of the rules or orders of the department adopted under this part, upon conviction thereof, is punishable by a fine not to exceed \$500. All fines collected, except fines collected by a justice's court, shall be deposited as provided in 80-11-310."

Section 53. Section 81-3-231, MCA, is amended to read:

"81-3-231. Penalties. (1) A person is guilty of a misdemeanor and is punishable as provided in subsection (6) of this section if he removes livestock or causes livestock to be removed from a county in this state:

(a) without having the livestock inspected before removal if an inspection is required by law;

(b) without obtaining a market consignment permit or transportation permit if the permits are required by law;

(c) and does obtain a market consignment permit for livestock but does not deliver the livestock transported thereunder to the livestock market designated in the market consignment permit;

(d) and does obtain a transportation permit for the livestock but does not deliver the livestock transported thereunder to the destination as shown on the transportation permit and fails to have the livestock so transported inspected at the point of destination or does not file a loading tally with the carrier as provided in 81-4-607.

(2) A person who sells livestock or offers livestock for sale at a livestock market without having the livestock inspected or removes livestock or causes livestock to be removed from a livestock market without obtaining a release is guilty of a misdemeanor and is punishable as provided in subsection (6) of this section.

(3) A person who ships by railroad carrier and the railroad carrier transporting livestock for which a loading tally has been filed as provided by 81-4-607 and for which shipment of livestock an inspection has not been made which after shipment causes or permits the livestock to leave the custody of the railroad carrier at a place other than where this state regularly maintains a stock inspector is guilty

1 of a misdemeanor and is punishable as provided in subsection
2 (6) of this section.

3 (4) A person who has in his charge livestock being
4 removed from a county in the state for which an inspection
5 certificate, a market consignment permit, or a market
6 release certificate has been issued and fails to have in his
7 possession accompanying the livestock the inspection
8 certificate, market consignment permit, or a market release
9 certificate as issued for the livestock, or who, having the
10 certificate of inspection, market consignment permit, or
11 market release certificate, fails to exhibit it to a
12 sheriff, deputy sheriff, constable, gross vehicle weight
13 enforcement officer, highway patrolman, state stock
14 inspector, or deputy state stock inspector at his request is
15 guilty of a misdemeanor and is punishable as provided in
16 subsection (6) of this section.

17 (5) Except as specifically otherwise provided, a
18 person violating any of the provisions of this part is
19 guilty of a misdemeanor and is punishable as provided in
20 subsection (6) of this section.

21 (6) Upon conviction under this section, a person,
22 firm, association, or corporation shall be fined not less
23 than \$50 or more than \$500 or imprisoned in the county jail
24 for a period of not more than 6 months or both fined and
25 imprisoned. Of all fines assessed and collected under this

1 section, except those assessed and collected in a justice's
2 court, 50% shall be paid into the state treasury and
3 credited to the state special revenue fund for the use of
4 the department and 50% shall be paid into the general fund
5 of the county in which the conviction occurred."

6 Section 54. Section 81-4-202, MCA, is amended to read:

7 "81-4-202. Penalties. (1) Any person violating
8 81-4-201 shall be deemed guilty of a misdemeanor, and upon
9 conviction thereof shall be fined in the sum of \$10 for the
10 first offense and in the sum of \$20 for each subsequent
11 offense and shall be liable in damage to any party injured
12 thereby, to be recovered in any court having competent
13 jurisdiction.

14 (2) All fines collected under the provisions of this
15 section, except those collected in a justice's court, shall
16 be paid into the county treasury for the use and benefit of
17 the public schools."

18 Section 55. Section 81-4-621, MCA, is amended to read:

19 "81-4-621. Penalties. (1) Any person who shall, for
20 his own use or benefit and without the owner's consent, take
21 into his possession any estray shall be guilty of a
22 misdemeanor and shall be punishable by a fine of not less
23 than \$25 or more than \$100 or by imprisonment in the county
24 jail not exceeding 60 days or by both such fine and
25 imprisonment.

(2) Every person, agent, firm, or corporation violating the provisions of 81-4-607 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$300 or imprisoned in the county jail not to exceed 6 months or both fined and imprisoned.

(3) Any person, agent, firm, corporation, pool, or roundup association who shall ship cattle from this state and shall fail to make such inspection or tally at point of loading or who shall fail to file a true and correct tally, to the best of his knowledge and belief, of all the brands of cattle in such shipment with the railroad agent at the point of shipment or who shall fail to forward a true and correct copy, duly signed by him as party making the shipment, to the stock inspector at point of destination or any person who shall accompany a shipment of cattle as the shipper in charge from this state and shall fail to take a description of any and every animal taken out in transit and hand such description to the stock inspector at point of destination or any stock inspector at market points who shall fail to make inspection as provided in 81-4-609 shall be deemed guilty of a misdemeanor and shall be subject to a fine of not less than \$50 or more than \$500 for each and every offense. The fines so collected, except those collected in a justice's court, shall be turned into the general fund of the county where conviction is had, and any

stock inspector, sheriff, or other police officer shall have power to make arrests to enforce the provisions of this part."

Section 56. Section 81-8-216, MCA, is amended to read:

"81-8-216. Penalties. (1) A person who violates any provision of 81-8-214, 81-8-215, and 81-8-251 through 81-8-263 or rules adopted by the department under 81-8-231 is guilty of a misdemeanor and upon conviction shall be fined not less than \$100 or more than \$600, imprisoned in the county jail not less than 30 days or more than 6 months, or both. A person convicted of a subsequent violation of 81-8-214, 81-8-215, and 81-8-251 through 81-8-263 or rules adopted to implement those sections shall be fined not less than \$200 or more than \$1,000, imprisoned in the county jail for not less than 3 months or more than 6 months, or both, and the department may cancel his certificate.

(2) Of all fines assessed and collected under this section, except those assessed and collected in a justice's court, 50% shall be paid into the state treasury and credited to the special revenue fund for the use of the department and 50% shall be paid into the general revenue fund of the county in which the conviction occurred."

Section 57. Section 81-8-279, MCA, is amended to read:

"81-8-279. Penalties. (1) A person who violates any provision of 81-8-271 through 81-8-273 and 81-8-276 through

81-8-278 or rules adopted by the department to implement those sections is guilty of a misdemeanor and upon conviction shall be fined not less than \$250 or more than \$1,000 or imprisoned for not more than 6 months, or both.

(2) Of all fines assessed and collected under this section, except those assessed and collected in a justice's court, 50% shall be paid into the state treasury and credited to the special revenue fund for the use of the department and 50% shall be paid into the general revenue fund of the county in which the conviction occurred."

Section 58. Section 81-23-403, MCA, is amended to read:

"81-23-403. Disposition of fines. (1) All fines assessed by a court other than a justice's court for violation of this chapter shall be paid by the court to the department.

(2) All fines received by the department shall be deposited with the state treasurer and shall be placed by him in the state special revenue fund. Fines assessed for violations of this chapter are earmarked for the purposes of this chapter."

Section 59. Section 85-2-123, MCA, is amended to read:

"85-2-123. Deposit of fees and penalties. Except as provided in 85-2-124 and 85-2-241, all fees and penalties collected under this chapter shall be deposited in the water

right appropriation account established in 85-2-318. All penalties or fines imposed by any court other than a justice's court for a violation of this chapter shall be deposited in the general fund of the county where the court presides and shall be disposed of in the same manner as any other penalty or fine."

Section 60. Section 85-3-213, MCA, is amended to read:

"85-3-213. State special revenue fund. All license and permit fees and fines collected under this chapter, other than those collected in a justice's court, shall be deposited in the state special revenue fund for use by the department in the administration of this chapter."

Section 61. Section 85-15-502, MCA, is amended to read:

"85-15-502. Deposit of penalties and costs. All penalties and costs collected under this chapter, other than those collected in a justice's court, must be deposited in the state general fund."

Section 62. Section 87-1-601, MCA, is amended to read:

"87-1-601. Use of fish and game money. (1) All money collected or received from the sale of hunting and fishing licenses or permits, from the sale of seized game or hides, or from damages collected for violations of the fish and game laws of this state, from appropriations, or received by the department from any other state source shall be turned

1 over to the state treasurer and placed by him in the state
2 special revenue fund to the credit of the department. Any
3 money received from federal sources shall be deposited in
4 the federal special revenue fund to the credit of the
5 department.

6 (2) That money shall be exclusively set apart and made
7 available for the payment of all salaries, per diem, fees,
8 expenses, and expenditures authorized to be made by the
9 department under the terms of this title. That money shall
10 be spent for those purposes by the department, subject to
11 appropriation by the legislature.

12 (3) Any reference to the fish and game fund in this
13 code means fish and game money in the state special revenue
14 fund and the federal special revenue fund.

15 (4) All money collected or received from fines and
16 forfeited bonds, except money collected or received by a
17 justice's court, relating to violations of state fish and
18 game laws under Title 87 shall be deposited by the state
19 treasurer and credited to the department of fish, wildlife,
20 and parks in a state special revenue fund account for this
21 purpose. Out of any fine imposed by a court for the
22 violation of the fish and game laws, the costs of
23 prosecution shall be paid to the county where the trial was
24 held in any case where the fine is not imposed in addition
25 to the costs of prosecution.

1 (5) Money received by the department from the sale of
2 surplus real property; exploration or development of oil,
3 gas, or mineral deposits from lands acquired by the
4 department except royalties or other compensation based on
5 production; and from leases of interests in department real
6 property not contemplated at the time of acquisition shall
7 be deposited in an account within the nonexpendable trust
8 fund of the state treasury. The interest derived therefrom,
9 but not the principal, may be used only for the purpose of
10 operation, development, and maintenance of real property of
11 the department, and only upon appropriation by the
12 legislature. If the use of money as set forth herein would
13 result in violation of applicable federal laws or state
14 statutes specifically naming the department or money
15 received by the department, then the use of this money must
16 be limited in the manner, method, and amount to those uses
17 that do not result in such violation."

18 Section 63. Section 87-4-808, MCA, is amended to read:

19 "87-4-808. Fines, bonds, penalties, and fees. Fines,
20 bonds, or penalties, except those obtained by a justice's
21 court, shall be administered and disposed of in accordance
22 with the provisions of 87-1-601. Fees obtained under this
23 part shall be deposited with the state treasurer and
24 credited to the state special revenue fund, fish and game
25 account."

1 NEW SECTION. Section 64. Repealer. Section 3-10-603,
2 MCA, is repealed.

3 NEW SECTION. Section 65. Extension of authority. Any
4 existing authority of any department or other executive
5 branch office or entity to make rules on the subject of the
6 provisions of this act is extended to the provisions of this
7 act.

8 NEW SECTION. Section 66. Effective date. This act is
9 effective July 1, 1987.

-End-

MONTANA STATE SENATE
JUDICIARY COMMITTEE
MINUTES OF THE MEETING

March 26, 1987

The fifty-third meeting of the Senate Judiciary Committee was called to order at 10:00 a.m. on March 26, 1987 by Vice Chairman Bruce Crippen in Room 325 of the Capitol Building.

ROLL CALL: All members were present, except Senator Mazurek, who was presenting another bill in another committee.

CONSIDERATION OF HB 737: Representative Dave Brown, House District #71, introduced HB 737, which allows a professional person at Montana State Hospital to file a petition to extend a patient's stay at the hospital either six months or one year. He said presently the law is silent as to which county has jurisdiction, however, the practice is to have it in Deer Lodge County. He stated the bill makes the current practice the law. He said there is no effect on the hospital or their budget because, presently, this is the way they have been handling this problem. He said one concern is it might cost additional money if there is no change in the law for travel and expenses of the state officials from Montana State Hospital to the counties' jurisdictions.

PROPOSERS: Curt Chisholm, Department of Institutions, testified the bill was introduced at the department's request. He said monthly they recommit between 6 and 12 patients. He said Judge Boyd holds court on the campus of Montana State Hospital because he prefers to do it that way. Mr. Chisholm said the hospital recognizes that his court has venue over these patients when it becomes necessary to recommit them for additional time besides the 90 days commitment period rendered by the court of jurisdiction. He said this bill will clarify that Deer Lodge County has jurisdiction over these patients.

Steve Waldron, Mental Health Centers, stated that it doesn't make sense to require that a professional person from the State Hospital has to testify on a case out of the county's jurisdiction because it takes up additional staff time.

OPPOSERS: None

DISCUSSION ON HB 737: Senator Crippen asked if the court records from other counties have to be transferred to the court in Deer Lodge. Mr. Chisholm answered that the committing court always sends the court order and all the supporting testimony to Deer Lodge.

Representative Brown closed.

Alec Hanson, League of Cities and Towns, testified in support of the bill because a small town can't afford a judge. He felt it will save some money.

OPPONENTS: None

DISCUSSION ON HB 482: Senator Blaylock said in the first part of the bill it construes around the constitution by referring to a "justice court", not a "justice of the peace" as it is called on page 2, line 5. Mr. Haynes stated the references were construing the constitution. He said he would change it on page 2, line 5, to "city judge" instead of "justice of the peace". Senator Blaylock agreed. Senator Halligan inquired why it was just the third class cities. Alec Hanson responded that it is the smaller towns and cities that are having the problem. He commented there are about 12 first and second class cities in Montana and all the rest are third class.

Representative Schye said he agreed with the amendment Senator Blaylock spoke of.

CONSIDERATION OF HB 740: Representative John Cobb, House District #42, said the bill relieves justices of the peace from overly burdensome bookkeeping and other administrative duties in regard to fines, penalties, and forfeitures paid in their courts. He pointed out the entire bill is on page 3, which shows the distributions of fines. He stated, presently, they take all the fines and divide them up into several different ways, for example, a fine could be divided up into four different ways, depending on who did the arresting, such as the highway patrolman or city police. He explained each force has different funds which the fines go into, like the General Fund, Fish and Game Fund, or the Highway Fund. He said the justice of the peace has to allocate these fines to their designated places. He stated it takes about six days to divide the money into funds and the judges are making quite a few mistakes because they are not bookkeepers. He explained the forms the justice of the peace fills out and how cumbersome the forms are because of dividing of fines into different categories. He stated the bill takes a percentage of all the fines; the bill states half of all the money, and uses it to allocate it into different funds. He said it will save time for the justice of the peace. He said the Legislature could divide the percentages up as they wish, but presently in the bill the money is allocated to certain funds with specific percentages (see page 3 of the blue copy of the bill). He commented that one Justice of the Peace from Cascade County brought in a 40 page computer lay out for one month and was trying to allocate \$2.00 fines from it.

PROPONENTS: Jim Haynes, Magistrate's Association, gave the committee a memo addressed to Representative Cobb from the Magistrate's office on this bill, and he also handed out amendments to the bill (see Exhibit 2

and 2A). He also gave written testimony from Nancy L. Sabo, President of the Magistrate's Association (see Exhibit 3, written testimony). He said HB 740 resolves the problem the Legislature discovered last legislative session when they passed Representative Connelly's joint resolution study committee to look at this problem. He said the amendments change the percentages in the bill slightly because of the passage of HB 679, which causes an additional special revenue fund. He explained he had authorization to state the county treasurers supported this bill.

Bernard F. McCarthy, Montana Magistrate's Association, supported the bill (see witness sheet).

OPPONENTS: None

DISCUSSION ON HB 740: Senator Crippen asked if the Treasurers Association had a problem with the bill. Jim Haynes stated the representative for the Treasurers was in House Taxation, but would like to go on record in support of the bill.

Representative Cobb closed.

CONSIDERATION OF HB 761: Representative Bob Thoft, House District #63, introduced HB 761, which provides that when bail is set at \$1,000 or less, the defendant may furnish bail by paying a fee to the clerk of the court in an amount of cash equal to 10 percent of the required bail and a promissory note for the total amount of the required bail, signed by the defendant in favor of the county. He said the way it is operated now is people are in jail on a weekend until the first part of the week because there is no system to get these people out of jail or keeping them from going there. He explained if a person has a \$300 DUI bail, the offender would write a check for \$30. He said then he would be released and he would sign a note for \$300. He said when the person came back for the hearing if he is judged guilty, he would pay the fine and if he is not, in either case, the note is disposed of. He stated the \$30 would go to support the court-appointed counsel. He stated this system would get rid of the crowding of jails on weekends and it would set up a system where people would not be incarcerated for minor offenses.

PROPONENTS: John W. Robinson, County Attorney for Ravalli County, stated he was the person who came to Representative Thoft. He said the cost of indigent defense is a problem. He said six years ago his office offered to do all indigent defenses in Ravalli County for \$28,000. He said the County Commissioners told his office they couldn't afford \$28,000. He pointed out that this year and last year Ravalli County spent an excess of \$155,000 to defend indigent prisoners. He pointed out this is more money than the County Attorney's budget in Ravalli County. He said that twice the jail board in Ravalli County has tried to pass a bond issue, which would build a new jail that meets the requirements of the federal

ROLL CALL

Judiciary

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date March 26

NAME	PRESENT	ABSENT	EXCUSED
<u>Senator Joe Mazurek, Chairman</u>			X
<u>Senator Bruce Crippen, Vice Chairman</u>	X		
<u>Senator Tom Beck</u>	X		
<u>Senator Al Bishop</u>	X		
<u>Senator Chet Blaylock</u>	X		
<u>Senator Bob Brown</u>	X		
<u>Senator Jack Galt</u>	X		
<u>Senator Mike Halligan</u>	X		
<u>Senator Dick Pinsoneault</u>	X		
<u>Senator Bill Yellowtail</u>	X		

Each day attach to minutes.

February 9, 1987

TO: Representative John Cobb - LC 602 - H.B. 740 .

FROM: Jim Haynes, Montana Magistrates's Association, Lobbyist

SUBJECT: Updated Summary of Bill Changing the Manner of Disposition
of Fees, Fines and Forfeitures of Bond in Justice Court.

The Justice of the Peace Courts currently distribute the fines and forfeitures they collect to the County Treasurer in a monthly distribution report. The Justice Court performs all the bookwork in a cumbersome monthly distribution report which the County Treasurer sends to the State Treasurer after the County receives its distribution share of the monies collected, estimated at 50% of the total amount collected. This estimate is based on June 1985 - May 1986 figures obtained from Collection Reports submitted to the State Treasurer and the monthly distribution reports prepared by the Justice Courts. 45 MCA statute sections touch upon this distribution method (attached sheet).

The estimated amount of money received by the State in 1985 for distribution was:

State General Fund	\$500,000.00
Driver Education - MHP	647,600.00
Crime Victim Comp. - MHP	373,400.00
Driver Education - GVW	151,100.00
Highway Dept.- Special Revenue	271,100.00
Fish, Wildlife & Parks	221,100.00
Snowmobile & Boats	11,000.00
Livestock	1,900.00

The Legislative Auditor issued a report in January, 1986, focusing in part, on loss of revenue caused by this cumbersome and confusing method of distribution. Special Purpose Audit Report on the Collection of State Revenues by Montana Counties. A cash flow problem exists as well as general ignorance and confusion under the current distribution method.

The Montana Magistrate's Association proposes legislation that changes the method of distribution. Justice Courts would simply forward the balance monthly to the County Treasurer. No more lengthy bookkeeping report would be required. The distribution process would be both streamlined and simplified.

The County Treasurer would distribute the monies received as follows:

- (1) 50% to the State Treasurer
- (2) 50% to the General Fund of the county

The State Treasurer would distribute the monies received from the County as follows:

February 9, 1987

Page 2

- (1) 23% to the General Fund of the State
- (2) 10% to the Fish & Game account
- (3) 13% to the State Highway account, special revenue fund
- (4) 36% to the Traffic Education account, special revenue fund
- (5) 1% to the Department of Livestock account
- (6) 17% to the Crime Victims account

This simplifies the accounting methods now required of the County Treasurers and Justice Courts. It would require the State Treasurer to account for percentages of monies it distributes to state funds.

This simplified distribution method is proposed only for Justice Courts. Other courts, City Courts and District Courts primarily, would remain under the same system. City Courts and District Court use of the current distribution method is minimal. If the Justice Court's method is enacted and proves workable over the next two (2) years, it is likely that all courts could move to the method proposed for Justice Courts.

Perhaps the only other method for addressing current distribution problems would be a centralized computer data spreadsheet which all 56 counties adopted and conformed to. This option currently is considered unworkable.

Necessary

3-10-601
20-7-504
20-7-505
20-9-337
20-9-332
23-2-507
23-2-644
45-17-303
46-18-231 - 235
46-18-603
53-9-109
61-9-716
61-10-148
61-12-701 - 703
81-3-231
81-4-202
87-1-104
87-1-201
87-1-601

Nice

7-23-105
7-14-2138
7-22-2117
7-22-2434
13-37-124
13-37-129
32-2-106
33-2-312
37-2-301
37-7-324
37-41-212
50-1-204
50-2-124
50-52-105
50-70-118
50-71-325
7-20-109
75-2-412
75-7-216
76-13-114
77-1-117
80-7-704
81-4-621
85-2-123
85-3-213
87-5-509

repeal. 3-10-603

SENATE JUDICIARY

EXHIBIT NO. 2

DATE 3-26-87

BILL NO. H.B. 74

EXHIBIT NO. 217
DATE March 26, 1968
BILL NO. HB 740

- (1) Both H.B.679 and H.B.740 pass.
- (2) H.B.291 fails to pass or passes in its current amended form.
- (3) H.B.28 fails to pass or passes in amended form.

DISTRIBUTION OF FINES, FORFEITURES AND FEES
 COLLECTED BY JUSTICES' COURTS IN FY 1986
 UNDER HOUSE BILLS 740 AND 679

SOURCES OF REVENUE:

COUNTY

Fines and Fees	\$1,209,211.08	27.17%
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STATE

MHP Fines	\$2,151,922.90	48.35%
FWP Fines	\$260,989.51	5.86%
GVW Fines	\$825,110.18	18.54%
Livestock Fines	\$3,826.34	0.09%

TOTAL REVENUE	\$4,451,060.01	100.00%
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DISTRIBUTIONS:

COUNTIES	50%	\$2,225,530.01
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STATE :	50%	\$2,225,530.01
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General Fund	23.50%	\$522,999.55
Fish, Wildlife & Par	10.00%	\$222,553.00
Highway Department	12.50%	\$278,191.25
Traffic Education	36.00%	\$801,190.80
Livestock	0.10%	\$2,225.53
Crime Victims	16.90%	\$376,114.57
Battered Spouses	1.00%	\$22,255.30

State Subtotal	50%	\$2,203,274.70
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TOTAL DISTRIBUTIONS	100%	\$4,451,060.01
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SENATE JUDICIARY
 EXHIBIT NO. 24
 DATE 3-26-87
 BILL NO. H.B. 740

Montana Magistrates Association

Nancy L. Sabo, President
Montana Magistrates Assn.
Courthouse Box 5023
Hamilton, Montana, 59840

March 25, 1987

Senator Joe Mazurek, Chairman
Senate Judiciary Committee
Helena, Montana, 59620

Dear Senator Mazurek,

Re: HB 740

I am unable to rearrange my court calendar to attend your hearing, so I have asked Jim Haynes to deliver this letter for your consideration.

The Montana Magistrates Association has worked on and supported this bill for the last five years. We have worked in conjunction with the Supreme Court Commission on Courts of Limited Jurisdiction in researching this problem and drafting an appropriate bill to alleviate our bookkeeping headaches.

With over sixty (60) different statutes to interpret, the present system has become overly burdensome. Each legislative session, some special interest group attempts to add to our workload in order to generate revenue. We certainly do not object to many of these worthy causes, however appointing the Justices of the Peace as accountants for these special groups is unfair, in the least.

The present system requires that the clerk in Ravalli County devote six to eight days a month to list and balance the books for the two Justices of the Peace. When HB 740 is signed into law, our clerk will be able to complete the accounting process in approximately 6 hours per month. The time savings will allow the clerk to attend to the many other duties that are now being delayed to satisfy the statutory requirements for our books. This will allow us to efficiently operate our offices with the present staff and stay within our county's budgetary constraints.

HB 740 streamlines the bookkeeping system, without jeopardizing the accountability or credibility of our present procedure. Also, there is no additional workload to the county treasurers. We feel that HB 740 will alleviate our problems and provide a satisfactory solution to all parties concerned.

Thank you for your consideration! The Montana Magistrates Association would sincerely appreciate your support in passing this bill.

Very Sincerely,

Nancy L. Sabo
Nancy L. Sabo, President
Montana Magistrates Assn.

SENATE JUDICIARY
EXHIBIT NO. 3
DATE 3-26-87
BILL NO. H.B. 740

NAME: BERNARD F. McPHERSON DATE: 3/26/87ADDRESS: Lt County Office 228 Broadway HelenaPHONE: 406-1010 ext 502REPRESENTING WHOM? Montana Magistrates AssociationAPPEARING ON WHICH PROPOSAL: HB 740DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: We support this bill as a partial
solution to amend the method of appointing
judges and justices. Essentially all we are
doing is taking the appointing function
the local Judicial Council off and placing
with the state treasurer. It essentially
does not change the amount of money
any agency gets paid. We have
no objection to HB 740.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

March 26

6

— 4 —

(Please leave prepared statement with Secretary)

MONTANA STATE SENATE
JUDICIARY COMMITTEE
MINUTES OF THE MEETING

March 27, 1987

The fifty-fourth meeting of the Senate Judiciary Committee was called to order on March 27, 1987, at 10:00 a.m. in Room 325 by the chairman, Senator Joe Mazurek.

ROLL CALL: All committee members were present.

CONSIDERATION OF HOUSE BILL 590: Representative Bill Strizich, Great Falls, introduced HB 590, which extends the crime of possession of weapons by prisoners, to county and city jails.

PROPOSERS: Tom Harrison, Montana Peace Officers Assn., supports the bill.

OPPOSERS: There were none.

ACTION ON HOUSE BILL 590: Senator Blaylock moved HB 590 BE CONCURRED IN. The motion carried.

CONSIDERATION OF HOUSE BILL 598: Rep. Paul Rapp-Svrcek, Polson, presented HB 598, which states resistance is not necessary in a court of law to show lack of consent to a sexual assault. He gave the committee testimony from Mark J. Murphy. (Exhibit 1)

PROPOSERS: James Nelson, Glacier County Attorney, favored the bill because a woman might give consent so that her life will be spared. (Exhibit 2)

Katherine Althen, representing herself, supported the bill. (Exhibit 3)

Debra Jones, Women's Fund Lobbyist, supported the bill.

OPPOSERS: There were none.

DISCUSSION ON HOUSE BILL 598: Senator Halligan asked why the bill doesn't say resistance can be used at all. Rep. Rapp-Svrcek thought if the language is broadened too far, it would open abuse to the other side.

Senator Halligan inquired why the department allows the probation officer to issue warrants and make arrests, but won't let them carry guns. Mr. Chisholm answered that most of these arrests are made in the office, not in a live arrest. He said we don't want them to make a live arrest unless a police officer is with him.

Senator Pinsoneault asked Mr. Chisholm if he has ever made an arrest. He answered no.

Senator Pinsoneault questioned if parole officers are carrying guns now. Mr. Chisholm said many probably are. Senator Pinsoneault asked Mike McCarty if he was suggesting going out and making an arrest all by himself. Mr. McCarty said he does all the time because the parolee usually doesn't like cops around, and a lot of times he has no time to call the police.

Senator Blaylock asked if probation officers want the gun all the time. Mr. McCarty said he did not want it during the day, but he did at night. He stated parole officers are on call 24 hours a day.

Representative Dave Brown closed the hearing on HB 610.

ACTION ON HOUSE BILL 146: Senator Crippen moved HB 146 BE CONCURRED IN. The motion carried.

ACTION ON HOUSE BILL 286: Senator Crippen moved HB 286 BE CONCURRED IN. Senator Mazurek explained the sponsor of the bill wanted the words "underground or" put back in on page 1, line 21 and page 3, line 16. Senator Beck made a substitute motion. The substitute motion carried. Senator Beck moved HB 286 BE CONCURRED IN AS AMENDED. The motion carried with Senator Yellowtail voting no.

ACTION ON HOUSE BILL 478: Senator Crippen moved the bill BE CONCURRED IN. The rest of the committee wanted to have the bill laid on the table.

ACTION ON HOUSE BILL 740: Jim Haynes distributed amendments for HB 740. (Exhibit 8) Senator Crippen moved the amendments. Mr. Haynes said percentages are more accurate in the State Treasurer's office. Senator Galt and Senator Yellowtail were upset with the percentage the Department of Livestock ended up with. Senator Mazurek said to strike amendment 1 and 3; it will cut the General Fund. Senator Crippen's motion carried with those changes. Senator Brown moved HB 740 BE CONCURRED IN AS AMENDED. The motion carried.

1. Page 3, line 10.

Strike: "23%"

Insert: "23.5%"

2. Page 3, line 13.

Strike: "13%"

Insert: "12.5%"

3. Page 3, line 17.

Strike: "1%"

Insert: "0.1%" 16

4. Page 3, line 18.

Strike: "and"

5. Page 3, line 19.

Strike: "17%"

Insert: "16.9%"

6. Page 3, line 20.

Following: "fund"

Strike: "."

Insert: "; and

(g) 1% to the department of social and rehabilitation services special revenue account for the battered spouses and domestic violence grant program."

7. Page 49, line 8.

Following: line 7

Insert: "NEW SECTION. Section 66. Coordination instruction.

(1) If House Bill No. 679, including the section of that bill amending 46-18-235, is not passed and approved, subsection

(4)(g) of 3-10-601, as amended by this bill, is void and subsection (4) of 3-10-601 shall read as follows:

"(4) The state treasurer shall distribute money received under subsection (3) as follows:

(a) 23% to the state general fund;

(b) 10% to the fish and game account in the state special revenue fund;

(c) 13% to the state highway account in the state special revenue fund;

(d) 36% to the traffic education account in the state special revenue fund;

(e) 1% to the department of livestock account in the state special revenue fund; and

(f) 17% to the crime victims compensation account in the state special revenue fund."

(2) If House Bill No. 28, including the section of that bill amending 61-10-148, is passed and approved, the amendment to 61-10-148 in this bill shall read: "This subsection does not apply to fines and forfeited bonds paid to justices' courts." "

Renumber: subsequent section

C:\LANE\WP\AMDHB740.

STANDING COMMITTEE REPORT

SENATE

SCRHB740

SCRHB740.SCR

Page 2 of 2
SCRHB740

March 27,

87

March 27, 1987

MR. PRESIDENT

Judiciary

We, your committee on

House Bill

740

having had under consideration

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ACCOUNTING FOR AND DISTRIBUTING FINES, ETC. IN JUSTICE COURTS

Cobb (Neuman)

Respectfully report as follows: That House Bill No. 740

BE AMENDED AS FOLLOWS:

1. Page 3, line 13.

Strike: "13%"

Insert: "12.5%"

2. Page 3, line 17.

Strike: "1%"

Insert: "0.6%"

3. Page 3, line 18.

Strike: "and"

4. Page 3, line 19.

Strike: "17%"

Insert: "16.9%"

5. Page 3, line 20.

Following: "fund"

Strike: "."

Insert: "; and

(g) 1% to the department of social and rehabilitation services special revenue account for the battered spouses and domestic violence grant program."

6. Page 49, line 8.

Following: line 7

Insert: "NEW SECTION. Section 66. Coordination instruction.

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(d) 36% to the traffic education account in the state special revenue fund;

(e) 1% to the department of livestock account in the state special revenue fund; and

(f) 17% to the crime victims compensation account in the state special revenue fund."

(2) If House Bill No. 28, including the section of that bill amending 61-10-148, is passed and approved, the amendment to 61-10-148 in this bill shall read: "This subsection does not apply to fines and forfeited bonds paid to justices' courts." "Renumber: subsequent section

C:\LANE\WP\AMDHB740.

AND AS AMENDED
BE CONCURRED IN

CONTINUED

XXXXXX

XXXXXXXXXX

CONTINUED

Chairman

Senator Mazurek

Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 50

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 737 - Senator Beck moved that HB 737 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 50

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 740 - Senator Neuman moved that HB 740 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 50

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 741 - Senator Hager moved that HB 741 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating,

Senator Manning moved that the Senate vote to override the Governor's veto on SB 149. Motion failed as follows:

Ayes: Anderson, Beck, Boylan, Brown, Crippen, Farrell, Gage, Haffey, Halligan, Harding, Hofman, Jacobson, Kolstad, Lynch, Manning, Mazurek, Rasmussen, Smith, Stimatz, Van Valkenburg, Vaughn, Walker.
Total 22

Noes: Abrams, Aklestad, Bengtson, Bishop, Blaylock, Eck, Galt, Hammond, Himsl, Hirsch, Jergeson, Keating, Lybeck, McCallum, McLane, Meyer, Neuman, Pinsonneault, Regan, Severson, Story, Thayer, Tveit, Weeding, Williams, Yellowtail, Mr. President.
Total 27

Excused: None.
Total 0

Absent or not voting: Hager.
Total 1

Senator Van Valkenburg moved that consideration on HB 327 be passed until the 75th legislative day, 4/4/87. Motion carried.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole, for consideration of business on second reading. Motion carried. Senator Brown in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 740 - Senator Neuman moved that HB 740 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsonneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Brown moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 39 concurred in as follows:

Noes: Brown, Farrell, Hammond, Kolstad, Neuman, Story, Thayer, Tveit.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 737 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 740 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 741 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Keating, Kolstad, Lybeck, Lynch, Manning, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 47

Noes: Jergeson, Mazurek, Yellowtail.
Total 3

Excused: None.
Total 0

DeMars, Devlin, Driscoll, Ellison, Eudaily, Giacometto, Gilbert, Glaser, Gould, Hansen, Hanson, Harp, Harper, Harrington, Hayne, Hoffman, Holliday, Iverson, Jenkins, Jones, Kadas, Keenan, Keller, Kennerly, Kitselman, Koehnke, Lory, McCormick, Manuel, Menahan, Mercer, Meyers, Miles, Miller, Nathe, Nelson, Nisbet, Patterson, Peck, Peterson, Phillips, Pistoria, Poff, Quilici, Ramirez, Raney, Rapp-Svrcek, Ream, Rehberg, Roth, Russell, Sales, Sands, Schye, Simon, Smith, Spaeth, Squires, Stang, Stratford, Strizich, Swift, Switzer, Swysgood, Thoft, Thomas, Vincent, Wallin, Whalen, Williams, Winslow, Mr. Speaker.
Total 88

Noes: Menke.

Total 1

Excused: Campbell, Daily, Donaldson, Grady, Grinde, Hannah, Moore.
Total 7

Absent or not voting: Fritz, O'Connell, Pavlovich, Poulsen.
Total 4

HB 740 - Representative Cobb moved that Senate amendments to HB 740 be concurred in. Motion carried as follows:

Ayes: Addy, Asay, Bachini, Bardanouve, Bradley, Brandewie, D. Brown, J. Brown, Bulger, Cobb, Cody, Cohen, Compton, Connelly, Corne', Darko, DeMars, Devlin, Driscoll, Ellison, Eudaily, Giacometto, Gilbert, Glaser, Gould, Hansen, Hanson, Harp, Harper, Harrington, Hayne, Hoffman, Holliday, Iverson, Jenkins, Jones, Kadas, Keenan, Keller, Kennerly, Kitselman, Koehnke, Lory, McCormick, Manuel, Menahan, Menke, Mercer, Meyers, Miles, Miller, Nathe, Nelson, Nisbet, Patterson, Pavlovich, Peck, Peterson, Phillips, Pistoria, Poff, Poulsen, Quilici, Ramirez, Raney, Rapp-Svrcek, Ream, Rehberg, Roth, Russell, Sales, Sands, Schye, Simon, Smith, Spaeth, Squires, Stang, Stratford, Strizich, Swift, Switzer, Swysgood, Thoft, Thomas, Vincent, Wallin, Whalen, Williams, Winslow, Mr. Speaker.
Total 90

Noes: None.

Total 0

Excused: Campbell, Daily, Donaldson, Grady, Grinde, Hannah, Moore.
Total 7

Absent or not voting: Fritz, Harp, O'Connell.
Total 3

Representative Iverson in the Chair.

HB 741 - Representative Harp moved that Senate amendments to HB 741 be concurred in. Motion carried as follows:

Ayes: Addy, Asay, Bachini, Bardanouve, Bradley, Brandewie, D. Brown, J. Brown, Bulger, Cobb, Cody, Cohen, Compton, Connelly, Corne', Darko, DeMars, Devlin, Driscoll, Ellison, Eudaily, Giacometto, Gilbert, Glaser, Gould, Hansen, Hanson, Harp, Harper, Harrington, Hayne, Hoffman, Holliday, Iverson, Jenkins, Jones, Kadas, Keenan, Keller, Kennerly, Kitselman, Lory, McCormick, Manuel, Menahan, Menke, Mercer, Miles, Miller, Nathe, Nelson, Nisbet, Patterson, Pavlovich, Peck, Peterson, Phillips, Pistoria, Poff, Poulsen, Quilici, Ramirez, Raney, Rapp-Svrcek, Ream, Rehberg, Roth, Russell, Sales, Sands, Schye, Simon, Smith, Spaeth, Squires, Stang, Stratford, Strizich, Swift, Switzer, Thoft, Thomas, Vincent, Wallin, Whalen, Williams, Winslow, Mr. Speaker.
Total 88

Total 1

HB 718, Senate amendments, concurred in as follows:

Ayes: Addy, Bachini, Bardanouve, Bradley, Brandewie, D. Brown, J. Brown, Bulger, Campbell, Cobb, Cody, Cohen, Compton, Connelly, Corne', Daily, Darko, DeMars, Devlin, Donaldson, Driscoll, Eudaily, Fritz, Giacometto, Gilbert, Glaser, Gould, Grinde, Hannah, Hansen, Hanson, Harper, Harrington, Hayne, Hoffman, Holliday, Iverson, Jenkins, Jones, Kadas, Keenan, Keller, Kennerly, Kitselman, Koehnke, Lory, McCormick, Manuel, Menahan, Menke, Mercer, Meyers, Miles, Miller, Moore, Nathe, Nelson, Nisbet, O'Connell, Patterson, Pavlovich, Peck, Peterson, Phillips, Pistoria, Poff, Poulsen, Quilici, Ramirez, Raney, Ream, Rehberg, Roth, Russell, Sales, Sands, Schye, Simon, Smith, Spaeth, Squires, Stratford, Strizich, Swift, Switzer, Swysgood, Thoft, Thomas, Vincent, Wallin, Whalen, Williams, Winslow, Mr. Speaker.

Total 94

Noes: Asay.

Total 1

Excused: Grady, Harp, Rapp-Svrcek.

Total 3

Absent or not voting: Ellison, Stang.

Total 2

HB 733, Senate amendments, concurred in as follows:

Ayes: Addy, Asay, Bachini, Bardanouve, Bradley, Brandewie, D. Brown, J. Brown, Bulger, Campbell, Cobb, Cody, Cohen, Compton, Connelly, Corne', Daily, Darko, DeMars, Devlin, Donaldson, Driscoll, Ellison, Eudaily, Fritz, Giacometto, Gilbert, Glaser, Gould, Grinde, Hannah, Hansen, Hanson, Harper, Harrington, Hayne, Hoffman, Holliday, Iverson, Jones, Kadas, Keenan, Keller, Kennerly, Kitselman, Koehnke, Lory, McCormick, Manuel, Menahan, Menke, Mercer, Miles, Miller, Moore, Nathe, Nelson, Nisbet, O'Connell, Patterson, Pavlovich, Peterson, Phillips, Pistoria, Poff, Poulsen, Quilici, Ramirez, Raney, Ream, Rehberg, Roth, Russell, Sales, Sands, Schye, Simon, Smith, Spaeth, Squires, Stang, Stratford, Strizich, Swift, Switzer, Swysgood, Thoft, Thomas, Vincent, Wallin, Whalen, Williams, Winslow, Mr. Speaker.

Total 94

Noes: Meyers, Peck.

Total 2

Excused: Grady, Harp, Rapp-Svrcek.

Total 3

Absent or not voting: Jenkins.

Total 1

HB 740, Senate amendments, concurred in as follows:

Ayes: Addy, Asay, Bachini, Bardanouve, Bradley, Brandewie, D. Brown, J. Brown, Bulger, Campbell, Cobb, Cody, Cohen, Compton, Connelly, Corne', Daily, Darko, DeMars, Devlin, Donaldson, Driscoll, Ellison, Eudaily, Fritz, Giacometto, Gilbert, Glaser, Gould, Grinde, Hannah, Hansen, Hanson, Harper, Harrington, Hayne, Hoffman, Holliday, Iverson, Jenkins, Jones, Kadas, Keenan, Keller, Kennerly, Kitselman, Koehnke, Lory, McCormick, Manuel, Menahan, Menke, Mercer, Meyers, Miles, Miller, Moore, Nathe, Nelson, Nisbet, O'Connell, Patterson, Pavlovich, Peck, Peterson, Phillips, Pistoria, Poff, Poulsen, Quilici, Ramirez, Raney, Ream, Rehberg, Roth,

Russell, Sales, Sands, Schye, Simon, Smith, Spaeth, Squires, Stang, Stratford, Strizich, Swift, Switzer, Swysgood, Thomas, Vincent, Wallin, Whalen, Williams, Winslow, Mr. Speaker.

Total 96

Noes: None.

Total 0

Excused: Grady, Harp, Rapp-Svrcek.

Total 3

Absent or not voting: Thoft.

Total 1

HB 741, Senate amendments, concurred in as follows:

Ayes: Addy, Asay, Bachini, Bardanouve, Bradley, Brandewie, D. Brown, J. Brown, Bulger, Cobb, Cody, Cohen, Compton, Connelly, Corne', Daily, Darko, DeMars, Devlin, Donaldson, Driscoll, Ellison, Eudaily, Fritz, Giacometto, Gilbert, Glaser, Gould, Grinde, Hansen, Hanson, Harper, Harrington, Hayne, Hoffman, Holliday, Iverson, Jenkins, Jones, Kadas, Keenan, Keller, Kennerly, Kitselman, Lory, McCormick, Manuel, Menahan, Menke, Mercer, Miles, Miller, Moore, Nathe, Nelson, Nisbet, O'Connell, Patterson, Pavlovich, Peck, Peterson, Phillips, Pistoria, Poff, Poulsen, Quilici, Ramirez, Raney, Ream, Rehberg, Roth, Russell, Sales, Sands, Schye, Simon, Smith, Spaeth, Squires, Stang, Stratford, Strizich, Swift, Switzer, Thoft, Vincent, Wallin, Whalen, Williams, Winslow, Mr. Speaker.

Total 91

Noes: Campbell, Hannah, Koehnke, Meyers, Swysgood, Thomas.

Total 6

Excused: Grady, Harp, Rapp-Svrcek.

Total 3

Absent or not voting: None.

Total 0

HB 748, Senate amendments, concurred in as follows:

Ayes: Addy, Asay, Bachini, Bardanouve, Bradley, Brandewie, D. Brown, J. Brown, Bulger, Campbell, Cobb, Cody, Cohen, Compton, Connelly, Corne', Daily, Darko, DeMars, Devlin, Donaldson, Ellison, Eudaily, Fritz, Giacometto, Gilbert, Glaser, Gould, Grinde, Hannah, Hansen, Hanson, Harper, Harrington, Hayne, Holliday, Iverson, Jenkins, Jones, Keenan, Keller, Kennerly, Kitselman, Koehnke, Lory, McCormick, Manuel, Menahan, Menke, Mercer, Meyers, Miles, Miller, Moore, Nathe, Nelson, Nisbet, O'Connell, Patterson, Pavlovich, Peterson, Phillips, Pistoria, Poff, Poulsen, Quilici, Ramirez, Raney, Ream, Rehberg, Roth, Russell, Sales, Sands, Schye, Simon, Smith, Spaeth, Stang, Stratford, Strizich, Swift, Switzer, Swysgood, Thoft, Thomas, Vincent, Wallin, Williams, Winslow, Mr. Speaker.

Total 91

Noes: Driscoll, Kadas, Peck, Squires, Whalen.

Total 5

Excused: Grady, Harp, Rapp-Svrcek.

Total 3

Absent or not voting: Hoffman.

Total 1

HB 750, Senate amendments, concurred in as follows:

HOUSE BILL NO. 740

INTRODUCED BY COBB, VAN VALKENBURG, MERCER,
BLAYLOCK, PECK, BISHOP, MILES, ADDY, NEUMAN,
REHBERG, THOMAS, GIACOMETTO

A BILL FOR AN ACT ENTITLED: "AN ACT TO RELIEVE JUSTICES OF THE PEACE FROM OVERLY BURDENSOME BOOKKEEPING AND OTHER ADMINISTRATIVE DUTIES IN REGARD TO FINES, PENALTIES, AND FORFEITURES PAID IN THEIR COURTS; TO REVISE THE METHOD OF DISTRIBUTING THE FINES, PENALTIES, AND FORFEITURES; AMENDING SECTIONS 3-10-601, 7-14-2138, 7-14-2826, 7-22-2117, 7-22-2434, 7-23-105, 13-37-124, 13-37-129, 15-1-105, 15-8-309, 15-70-101, 19-8-504, 20-7-504, 20-7-505, 20-9-331, 20-9-332, 23-2-507, 23-2-644, 32-2-106, 33-2-312, 37-2-301, 37-4-327, 37-7-324, 37-8-432, 37-10-313, 37-16-408, 37-41-212, 39-71-201, 46-17-303, 46-18-235, 46-18-236, 46-18-603, 50-1-204, 50-2-124, 50-52-105, 50-70-118, 53-9-109, 61-8-718, 61-10-148, 61-11-104, 61-12-701, 75-2-412, 75-5-634, 75-7-216, 75-10-418, 75-20-112, 76-13-111, 76-13-114, 77-1-117, 80-3-613, 80-7-704, 80-11-313, 81-3-231, 81-4-202, 81-4-621, 81-8-216, 81-8-279, 81-23-403, 85-2-123, 85-3-213, 85-15-502, 87-1-601, AND 87-4-808, MCA; REPEALING SECTION 3-10-603, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 3-10-601, MCA, is amended to read:

"3-10-601. Collection and disposition of fines, penalties, forfeitures, and fees ---itemized-statement. (1) Each justice of the peace shall collect the fees prescribed by law for justices' courts and shall pay them into the county treasury of the county wherein he holds office, on or before the 10th day of each month, to be credited to the general fund of the county.

~~{2}--He--shall--also--file--an--itemized--statement--showing all--fees--received--during--the--preceding--month--in--his--court. The--statement--shall--state--that--all--fees--required--by--law--to be--paid--during--the--preceding--month--in--connection--with matters--pending--before--the--court--have--been--paid--into--the county--treasury--and--listed--in--the--itemized--statement--and that--he--has--not--received--or--been--promised, nor--has--any--one else--received--or--been--promised--for--him,--any--other--moneys, emolument,--or--thing--by--virtue--of--or--in--connection--with--his office. The--statement--shall--be--subscribed--and--sworn--to--by the--justice.~~

(2) All fines, penalties, and forfeitures that this code requires to be imposed, collected, or paid in a justice's court must, for each calendar month, be paid by the justice's court on or before the 5th day of the following month to the treasurer of the county in which the

justice's court is situated.

~~(3) The county treasurer shall, on-or-before-the--10th day--of-the-month-in-which-it-is-paid~~ IN THE MANNER PROVIDED IN 15-1-504, distribute money received under subsection (2) as follows:

(a) 50% to the state treasurer; and

(b) 50% to the county general fund.

~~(4) The state treasurer shall distribute money received under subsection (3) as follows:~~

(a) 23% to the state general fund;

(b) 10% to the fish and game account in the state special revenue fund;

~~(c) 13% 12.5% to the state highway account in the state special revenue fund;~~

~~(d) 36% to the traffic education account in the state special revenue fund;~~

~~(e) 1% 0.6% to the department of livestock account in the state special revenue fund; and~~

~~(f) 17% 16.9% to the crime victims compensation account in the state special revenue fund; AND~~

~~(G) 1% TO THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES SPECIAL REVENUE ACCOUNT FOR THE BATTERED SPOUSES AND DOMESTIC VIOLENCE GRANT PROGRAM."~~

Section 2. Section 7-14-2138, MCA, is amended to read:

"7-14-2138. Prosecution by county attorney. (1) The

county attorney, upon complaint of the road supervisor, county surveyor, or any other person, shall prosecute all actions provided in parts 21 through 28 in the name of the state of Montana.

(2) All penalties, except those paid to a justice's court, shall be paid into the general fund of the county."

Section 3. Section 7-14-2826, MCA, is amended to read:

"7-14-2826. Regulation of ferry operation -- penalties. (1) The board of commissioners may make all needful rules for the government of ferries and ferrykeepers prescribing:

(a) how many boats must be kept, their character, and how propelled;

(b) the number of hands, boatmen, or ferrymen to be employed and rules for their government;

(c) when and under what circumstances to make trips in the nighttime;

(d) who may be ferried free of toll;

(e) in what cases of danger or peril not to cross;

(f) penalties for violation of regulations;

(g) in case of steamboats, the rate of speed;

(h) the method of and preference in loading and crossing; and

(i) how and by whom action must be brought to recover penalties.

1 (2) Subject to the foregoing regulations, ferrykeepers
2 must make trips to accommodate all passengers who desire to
3 cross, and any failure to do so subjects the franchise to
4 forfeiture by a proper proceeding for that purpose.

5 (3) The owner of every ferry must have the rates of
6 toll, as fixed by the board, printed or written and posted
7 in some conspicuous place on or near the ferry.

8 (4) All ferrykeepers must keep the banks of the
9 streams or waters at the landings of their ferries graded
10 and in good order for the passage of vehicles. For every day
11 compliance herewith is neglected, \$25 is forfeited, to be
12 collected, except as provided in 3-10-601, for the use of
13 the road fund of the county."

14 Section 4. Section 7-22-2117, MCA, is amended to read:

15 "7-22-2117. Violations. (1) Any person who in any
16 manner interferes with the board or its authorized agent in
17 carrying out the provisions of this part or who refuses to
18 obey an order or notice of the board is guilty of a
19 misdemeanor, and upon conviction thereof, he shall be fined
20 not to exceed \$100 for the first offense and not less than
21 \$100 or more than \$200 for each subsequent offense.

22 (2) All fines, bonds, and penalties collected under
23 the provisions of this part, except those collected by a
24 justice's court, shall be paid to the county treasurer of
25 each county and placed by him to the credit of a fund to be

1 known as the noxious weed fund."

2 Section 5. Section 7-22-2434, MCA, is amended to read:

3 "7-22-2434. Disposition of fines, bonds, and
4 penalties. All fines, forfeited bonds, and penalties
5 collected under the provisions of this part, except those
6 collected by a justice's court, shall be paid to the county
7 treasurer of each county and placed by him to the credit of
8 the mosquito control fund."

9 Section 6. Section 7-23-105, MCA, is amended to read:

10 "7-23-105. Disposition of fines. All fines collected
11 under the provisions of this part and part 21, except those
12 collected by a justice's court, shall be paid into the
13 county treasury and shall be used to pay fees, salaries,
14 costs, or expenses for the enforcement of this part and part
15 21."

16 Section 7. Section 13-37-124, MCA, is amended to read:

17 "13-37-124. Consultation and cooperation with county
18 attorney. (1) Whenever the commissioner determines that
19 there appears to be sufficient evidence to justify a civil
20 or criminal prosecution under chapters 35, 36, or 37 of this
21 title, he shall notify the county attorney of the county in
22 which the alleged violation occurred and shall arrange to
23 transmit to the county attorney all information relevant to
24 the alleged violation. If the county attorney fails to
25 initiate the appropriate civil or criminal action within 30

1 days after he receives notification of the alleged
2 violation, the commissioner may then initiate the
3 appropriate legal action.

4 (2) A county attorney may, at any time prior to the
5 expiration of the 30-day time period specified in subsection
6 (1), waive his right to prosecute and thereby authorize the
7 commissioner to initiate the appropriate civil or criminal
8 action.

9 (3) The provisions of subsection (1) do not apply to a
10 situation in which the alleged violation has been committed
11 by the county attorney of a county. In this instance, the
12 commissioner is authorized to directly prosecute any alleged
13 violation of chapters 35, 36, or 37 of this title.

14 (4) If a prosecution is undertaken by the
15 commissioner, all court costs associated with the
16 prosecution shall be paid by the state of Montana, and all
17 fines and forfeitures imposed pursuant to a prosecution by
18 the commissioner, except those paid to or imposed by a
19 justice's court, shall be deposited in the state general
20 fund."

21 Section 8. Section 13-37-129, MCA, is amended to read:

22 "13-37-129. Liability and disposition of fines. In
23 determining the amount of liability under 13-37-128, the
24 court may take into account the seriousness of a violation
25 and the degree of culpability of the defendant. If a

1 judgment is entered against the defendant or defendants in
2 an action brought by a county attorney in a court other than
3 a justice's court, the county shall receive 50% of the
4 amount recovered. The remaining 50% shall be deposited in
5 the general fund of the state. In an action brought by the
6 commissioner in a court other than a justice's court, the
7 entire amount recovered shall be paid to the general fund of
8 the state."

9 Section 9. Section 15-1-105, MCA, is amended to read:

10 "15-1-105. Fines and forfeitures to county. All fines,
11 forfeitures, and penalties incurred by a violation of any of
12 the provisions of the state tax laws, except those paid to a
13 justice's court, must be paid into the treasury for the use
14 of the county where the person against whom the recovery is
15 had resides."

16 Section 10. Section 15-8-309, MCA, is amended to read:

17 "15-8-309. Violation and penalty. (1) Every person who
18 refuses to furnish the statement hereinbefore required or to
19 make and subscribe such affidavit respecting his name and
20 place of residence or to appear and testify when requested
21 so to do by the department, as above provided, for each and
22 every refusal and as often as the same is repeated forfeits
23 to the people of the state the sum of \$100 to be recovered
24 by action brought in the name of the state in any city or
25 justice's court.

(2) All moneys recovered under the provisions of this section, except moneys paid to a justice's court, must be paid into the treasury of the county in which the property is located."

Section 11. Section 15-70-101, MCA, is amended to read:

"15-70-101. Disposition of funds. All taxes, interest, and penalties collected under this chapter, except those collected by a justice's court, shall be turned over promptly to the state treasurer, who shall place the same in the state special revenue fund to the credit of the department of highways. Those funds hereinbelow allocated to cities, towns, and counties shall be paid by the department of highways from the state special revenue fund to such cities, towns, and counties.

(1) \$14,000,000 of the funds collected under this chapter, except those collected by a justice's court, is statutorily appropriated, as provided in 17-7-502, to the department of highways and shall be allocated each fiscal year on a monthly basis to the counties and incorporated cities and towns in Montana for construction, reconstruction, maintenance, and repair of rural roads and city or town streets and alleys, as provided in subsections (a) and (b) hereof:

(a) \$6,350,000 shall be divided among the various

counties in the following manner:

(i) 40% in the ratio that the rural road mileage in each county, exclusive of the federal-aid interstate system and the federal-aid primary system, bears to the total rural road mileage in the state, exclusive of the federal-aid interstate system and the federal-aid primary system;

(ii) 40% in the ratio that the rural population in each county outside incorporated cities and towns bears to the total rural population in the state outside incorporated cities and towns;

(iii) 20% in the ratio that the land area of each county bears to the total land area of the state;

(b) \$7,650,000 shall be divided among the incorporated cities and towns in the following manner:

(i) 50% of the sum in the ratio that the population within the corporate limits of the city or town bears to the total population within corporate limits of all the cities and towns in Montana;

(ii) 50% in the ratio that the city or town street and alley mileage, exclusive of the federal-aid interstate system and the federal-aid primary system, within corporate limits bears to the total street and alley mileage, exclusive of the federal-aid interstate system and federal-aid primary system, within the corporate limits of all cities and towns in Montana.

(2) All funds hereby allocated to counties, cities, and towns shall be used for the construction, reconstruction, maintenance, and repair of rural roads, city or town streets and alleys or for the share which such city, town, or county might otherwise expend for proportionate matching of federal funds allocated for the construction of roads or streets which are part of the federal-aid primary or secondary highway system or urban extensions thereto, except that the governing body of a town or third-class city, as defined in 7-1-4111, may each year expend no more than 25% of the funds allocated to that town or third-class city for the purchase of capital equipment and supplies to be used for the maintenance and repair of town or third-class city streets and alleys.

(3) Upon receipt of the allocation provided herein, the governing bodies of the recipient counties, cities, and towns shall inform the department of highways of the purposes for which the funds will be expended so that the county commissioners, the governing body, and the department of highways may coordinate the expenditure of public funds for road improvements.

(4) All funds hereby allocated to counties, cities, and towns shall be disbursed to the lowest responsible bidder according to applicable bidding procedures followed in all cases where the contract for construction,

reconstruction, maintenance, or repair is in excess of \$4,000.

(5) For the purposes of this section where distribution of funds is made on a basis related to population, the population shall be determined by the last preceding official federal census.

(6) For the purposes of this section where determination of mileage is necessary for distribution of funds, it shall be the responsibility of the cities, towns, and counties to furnish to the department of highways a yearly certified statement indicating the total mileage within their respective areas applicable to this chapter. All mileage submitted shall be subject to review and approval by the department of highways.

(7) Except by a town or third-class city as provided in subsection (2), none of the funds authorized by this section shall be used for the purchase of capital equipment.

(8) Funds authorized by this section shall be used for construction and maintenance programs only."

Section 12. Section 19-8-504, MCA, is amended to read:

"19-8-504. State's contribution. Each month the state treasurer shall pay to the account, out of the department of fish, wildlife, and parks moneys, a sum equal to 7.15% of the total of all members' salaries, and out of the moneys collected as fines and forfeited bonds under the provisions

of 87-1-601 or moneys distributed under 3-10-601(4), all such collections are statutorily appropriated to the account until the unfunded liability in the account is solvent and a verification statement to that effect is given to the state treasurer by the board."

Section 13. Section 20-7-504, MCA, is amended to read:

"20-7-504. State traffic education account -- proceeds earmarked for the account. (1) There is a traffic education account in the treasury of the state of Montana. There shall be paid into this account a portion of the fines and forfeitures collected in any court except a justice's court from persons apprehended or arrested by highway patrol officers or department of highways peace officers for any violation of chapter 3, part 1 of chapter 4, or chapters 5 through 10 of Title 61 relating to the operation or use of motor vehicles in the following amounts:

(a) if a fine is imposed, 25% of the fine imposed;

(b) if multiple offenses are involved, 25% of the total sum of all fines imposed;

(c) if a fine is suspended, in whole or in part, 25% of the fine actually paid; and

(d) if any deposit of bail is made for an offense to which this section applies and the bail is forfeited, 25% of the forfeited bail.

(2) A portion of all money from the collection of fees

from driver's licenses, motorcycle endorsements, and duplicate driver's licenses shall be contributed to the traffic education account as provided in 61-5-121."

Section 14. Section 20-7-505, MCA, is amended to read:

"20-7-505. Transmittal of proceeds from fines and other sources. (1) The portion of the proceeds from fines and bail forfeitures, except those paid to a justice's court, which are to be deposited in the traffic education account shall be transmitted to the county treasurer by the court collecting them, in the manner and at the times that fines and bail forfeitures are transmitted to the county treasurer under law. The court shall indicate what portion of each fine is to be credited to the traffic education account. The county treasurer shall transmit monthly to the state treasurer, without deduction, the portions of the fines received, except those paid to a justice's court, which are to be credited to the traffic education account.

(2) When a court is required to transmit fees, fines, and forfeitures directly to the state treasurer, the gross proceeds including the portion of the fines to be credited to the traffic education account shall be transmitted to the state treasurer and the appropriate portion shall be deposited in the traffic education account."

Section 15. Section 20-9-331, MCA, is amended to read:

"20-9-331. Basic county tax and other revenues for

1 county equalization of the elementary district foundation
 2 program. (1) It shall be the duty of the county
 3 commissioners of each county to levy an annual basic tax of
 4 28 mills on the dollars of the taxable value of all taxable
 5 property within the county for the purposes of local and
 6 state foundation program support. The revenue to be
 7 collected from this levy shall be apportioned to the support
 8 of the foundation programs of the elementary school
 9 districts in the county and to the state special revenue
 10 fund, state equalization aid account, in the following
 11 manner:

12 (a) In order to determine the amount of revenue raised
 13 by this levy which is retained by the county, the sum of the
 14 estimated revenues identified in subsection (2) below shall
 15 be subtracted from the sum of the county elementary
 16 transportation obligation and the total of the foundation
 17 programs of all elementary districts of the county.

18 (b) If the basic levy prescribed by this section
 19 produces more revenue than is required to finance the
 20 difference determined above, the county treasurer shall
 21 remit the surplus funds to the state treasurer for deposit
 22 to the state special revenue fund, state equalization aid
 23 account, immediately upon occurrence of a surplus balance
 24 and each subsequent month thereafter, with any final
 25 remittance due no later than June 20 of the fiscal year for

1 which the levy has been set.

2 (2) The proceeds realized from the county's portion of
 3 the levy prescribed by this section and the revenues from
 4 the following sources shall be used for the equalization of
 5 the elementary district foundation programs of the county as
 6 prescribed in 20-9-334, and a separate accounting shall be
 7 kept of such proceeds and revenues by the county treasurer
 8 in accordance with 20-9-212(1):

9 (a) the portion of the federal Taylor Grazing Act
 10 funds distributed to a county and designated for the common
 11 school fund under the provisions of 17-3-222;

12 (b) the portion of the federal flood control act funds
 13 distributed to a county and designated for expenditure for
 14 the benefit of the county common schools under the
 15 provisions of 17-3-232;

16 (c) all money paid into the county treasury as a
 17 result of fines for violations of law, except money paid to
 18 a justice's court, and the use of which is not otherwise
 19 specified by law;

20 (d) any money remaining at the end of the immediately
 21 preceding school fiscal year in the county treasurer's
 22 account for the various sources of revenue established or
 23 referred to in this section;

24 (e) any federal or state money, including anticipated
 25 or reappropriated motor vehicle fees and reimbursement under

the provisions of 61-3-532 and 61-3-536, distributed to the county as payment in lieu of the property taxation established by the county levy required by this section; and

(f) net proceeds taxes for new production, as defined in 15-23-601."

Section 16. Section 20-9-332, MCA, is amended to read:

"20-9-332. Fines and penalties proceeds for elementary county equalization. All fines and penalties collected under the provisions of this title, ~~shall--be--collected--by--the action-of-a-court-of-competent-jurisdiction-and~~ except those collected by a justice's court, shall be paid into the county elementary equalization fund as provided by 20-9-331(2)(c). In order to implement this section and any other provision of law requiring the deposit of fines in the elementary county equalization fund, ~~the--following--reports a report~~ shall be made to the county superintendent of the county, ~~in-which-each-court-or-justice-of--the--peace--shall have-jurisdiction:~~

~~{1}--during-the-month-of-September, each justice-of-the peace--shall--report--all-fines-imposed-and-collected-during the-preceding-year, indicating-the-type-of-violation-and-the date-of-collection, and~~

~~{2} at the close of each term, by the clerk of each district court, shall-report reporting~~ all fines imposed and collected during the term, and indicating the type of

violation and the date of collection."

Section 17. Section 23-2-507, MCA, is amended to read:

"23-2-507. Penalty. Violations of any section of this part, ~~except subsection-(3)-of 23-2-526(3),~~ unless otherwise specified shall be a misdemeanor and be punishable by fine of not less than \$15 or more than \$500 or by imprisonment up to 6 months or by both such fine and imprisonment. All fine and bond forfeitures, except those paid to a justice's court, shall be transmitted to the state treasurer, who shall deposit such fines and forfeitures in the motorboat account of an earmarked fund. The moneys shall be used only by the department for enforcement of this part, as amended."

Section 18. Section 23-2-644, MCA, is amended to read:

"23-2-644. Use of funds from fines and forfeitures. All fines and forfeitures collected under this part relating to snowmobiles, except those collected by a justice's court, shall be transmitted to the state treasurer, who shall deposit such fines and forfeitures in the state special revenue fund to the credit of the department to be used only for snowmobile safety and education."

Section 19. Section 32-2-106, MCA, is amended to read:

"32-2-106. Penalties. (1) It shall be unlawful for any association, whether foreign or domestic and whether citizens of this state or otherwise, to do business or attempt to do business, as defined in this chapter, without

1 having first complied with its provisions and having
 2 received a certificate of authority to do business from the
 3 department. Any such association violating any of the
 4 provisions of this chapter and failing to comply with any of
 5 its provisions shall be fined not less than \$250 or more
 6 than \$1,000 for each and every such violation, to be
 7 recovered by an action in the name of the state and on
 8 collection, except when collected by a justice's court, paid
 9 into the state treasury.

10 (2) Any person or persons, whether citizens of this
 11 state or otherwise, who aid or assist any such association
 12 to do business contrary to the provisions of this chapter
 13 without having first complied with all of its provisions
 14 shall be guilty of a misdemeanor and on conviction thereof
 15 shall be fined not more than \$500 or imprisoned not more
 16 than 6 months, or both."

17 Section 20. Section 33-2-312, MCA, is amended to read:

18 "33-2-312. Penalty for failure to file statement or
 19 pay tax. Every surplus line agent who fails to make and file
 20 the annual statement as required under 33-2-310 or to pay
 21 the taxes as required under 33-2-311 shall be liable to a
 22 penalty of \$25 for each day of delinquency, commencing with
 23 April 1. The tax and penalty may be recovered in an action
 24 instituted by the commissioner in the name of the state in
 25 any court of competent jurisdiction, the attorney general

1 representing him. The penalty when collected, unless
 2 collected by a justice's court, shall be paid to the state
 3 treasurer and placed to the credit of the general fund. The
 4 surplus line agent's license shall also be subject to
 5 revocation as provided in 33-2-313."

6 Section 21. Section 37-2-301, MCA, is amended to read:

7 "37-2-301. Duty to report cases of communicable
 8 disease. (1) If a physician or other practitioner of the
 9 healing arts examines or treats a person whom he believes
 10 has a communicable disease or a disease declared reportable
 11 by the department of health and environmental sciences, he
 12 shall immediately report the case to the local health
 13 officer. The report shall be in the form and contain
 14 information prescribed by the department.

15 (2) A person who violates the provisions of this
 16 section or rules adopted by the department under the
 17 provisions of this section is guilty of a misdemeanor. On
 18 conviction, he shall be fined not less than \$10 or more than
 19 \$500, imprisoned for not more than 90 days, or both. Each
 20 day of violation constitutes a separate offense. Fines,
 21 except those collected by a justice's court, shall be paid
 22 to the county treasurer of the county in which the violation
 23 occurs."

24 Section 22. Section 37-4-327, MCA, is amended to read:

25 "37-4-327. Practicing dentistry without certificate --

penalty. (1) A person who, as principal, agent, employer, employee, or assistant, practices dentistry or who does an act of dentistry without having first secured a certificate to practice dentistry from the department entitling him to practice in this state is guilty of a misdemeanor and on conviction in a district court may be fined not less than \$500 or more than \$1,000 or be confined for a period not exceeding 6 months in the county jail.

(2) Fines imposed and collected under this chapter, except those paid to a justice's court, shall be paid into the treasury of the county in which the suits, actions, or proceedings are commenced. Money paid into the treasury over and above the amount necessary to reimburse the county for expense incurred by the county in a suit, action, or proceeding brought under this chapter shall be deposited before January 1 of each year in the state special revenue fund for the use of the board, subject to 37-1-101(6)."

Section 23. Section 37-7-324, MCA, is amended to read:

"37-7-324. Deposit of fees and fines. Fines paid under this chapter, except those paid to a justice's court, and fees collected by the department for registration and licenses issued under this chapter shall be deposited in the state special revenue fund for the use of the board, subject to 37-1-101(6)."

Section 24. Section 37-8-432, MCA, is amended to read:

"37-8-432. Deposit of fees. Fees and fines collected by the department under this chapter, except those collected by a justice's court, shall be deposited in the state special revenue fund for the use of the board, subject to 37-1-101(6)."

Section 25. Section 37-10-313, MCA, is amended to read:

"37-10-313. Penalty for violations -- deposit of fines. A person who violates this chapter, except 37-10-104, or the rules of the board is guilty of a misdemeanor and on conviction shall be fined not less than \$200 and not more than \$500 or imprisoned in the county jail not exceeding 6 months or both fined and imprisoned. Fines collected, except those collected by a justice's court, shall be deposited in the state special revenue fund for the use of the board, subject to 37-1-101(6)."

Section 26. Section 37-16-408, MCA, is amended to read:

"37-16-408. Deposit of fees and fines. Fees and fines collected under this chapter, except those collected by a justice's court, shall be deposited in the state special revenue fund for the use of the board, subject to appropriations and 37-1-101(6)."

Section 27. Section 37-41-212, MCA, is amended to read:

"37-41-212. Enforcement responsibility -- penalty -- deposit of fines. (1) State and local health officers shall enforce this chapter.

(2) A person who violates this chapter or a rule of the department is guilty of a misdemeanor and upon conviction shall be fined not more than \$500.

(3) All fines collected under this section, except those collected by a justice's court, shall be deposited in the general fund of the county in which the action is brought."

Section 28. Section 39-71-201, MCA, is amended to read:

"39-71-201. Administration fund. (1) A workers' compensation administration fund is established out of which all costs of administering the Workers' Compensation and Occupational Disease Acts and the various occupational safety acts the division must administer are to be paid upon lawful appropriation. The following moneys collected by the division shall be deposited in the state treasury to the credit of the workers' compensation administrative fund and shall be used for the administrative expenses of the division:

(a) all fees and fines penalties provided in 39-71-205 and 39-71-304;

(b) all fees paid for inspection of boilers and

issuance of licenses to operating engineers as required by law;

(c) all fees paid from an assessment on each plan No. 1 employer, plan No. 2 insurer, and plan No. 3, the state insurance fund. The assessments shall be levied against the preceding calendar year's gross annual payroll of the plan No. 1 employers and the gross annual direct premiums collected in Montana on the policies of the plan No. 2 insurers, insuring employers covered under the chapter, during the preceding calendar year. However, no assessment of the plan No. 1 employer or plan No. 2 insurer shall be less than \$200. The assessments shall be sufficient to fund the direct costs identified to the three plans and an equitable portion of the indirect costs based on the ratio of the preceding fiscal year's indirect costs distributed to the plans using proper accounting and cost allocation procedures. Plan No. 3 shall be assessed an amount sufficient to fund its direct costs and an equitable portion of the indirect costs as referred to above. Other sources of revenue, including unexpended funds from the preceding fiscal year, shall be used to reduce the costs before levying the assessments.

(2) The administration fund shall be debited with expenses incurred by the division in the general administration of the provisions of this chapter, including

1 the salaries of its members, officers, and employees and the
2 travel expenses of the members, officers, and employees, as
3 provided for in 2-18-501 through 2-18-503, as amended,
4 incurred while on the business of the division either within
5 or without the state.

6 (3) Disbursements from the administration money shall
7 be made after being approved by the division upon claim
8 therefor."

9 Section 29. Section 46-17-303, MCA, is amended to
10 read:

11 "46-17-303. Deposit of fines. All fines imposed and
12 collected by a justice's or city court must be paid to the
13 treasurer of the county, city, or town, as the case may be,
14 within 30 days after the receipt of the same. The justice or
15 city judge must take duplicate receipts therefor, one of
16 which he must deposit with the county, city, or town clerk,
17 as the case may be."

18 Section 30. Section 46-18-235, MCA, is amended to
19 read:

20 "46-18-235. Disposition of money collected as fines
21 and costs. The money collected by a court, except money
22 collected by a justice's court, as a result of the
23 imposition of fines or assessment of costs under the
24 provisions of 46-18-231 and 46-18-232 shall be paid to the
25 county general fund of the county in which the court is

1 held, except that:

2 (1) if the costs assessed include any district court
3 expense listed in 3-5-901, the money collected from
4 assessment of these costs must be paid to the department of
5 commerce for deposit into the state general fund to the
6 extent the expenses were paid by the state; and

7 (2) if the fine was imposed for a violation of Title
8 45, chapter 9, the court may order the money paid into the
9 drug forfeiture fund maintained under 44-12-206 for the law
10 enforcement agency which made the arrest from which the
11 conviction and fine arose."

12 Section 31. Section 46-18-236, MCA, is amended to
13 read:

14 "46-18-236. Imposition of charge upon conviction or
15 forfeiture -- administration. (1) Except as provided in
16 subsection (2), there must be imposed by all courts of
17 original jurisdiction on a defendant upon his conviction for
18 any conduct made criminal by state statute or upon
19 forfeiture of bond or bail a charge that is in addition to
20 other taxable court costs, fees, or fines, as follows:

21 (a) \$10 for each misdemeanor charge; and

22 (b) the greater of \$20 or 10% of the fine levied for
23 each felony charge.

24 (2) If a convicting court determines under 46-18-231
25 and 46-18-232 that the defendant is not able to pay the fine

1 and costs or that he is unable to pay within a reasonable
2 time, the court must waive payment of the charge imposed by
3 this section.

4 (3) The charge imposed by this section is not a fine
5 and must be imposed in addition to any fine and may not be
6 used in determining the jurisdiction of any court.

7 (4) When the payment of a fine is to be made in
8 installments over a period of time, the charge imposed by
9 this section must be collected from the first payment made
10 and each subsequent payment as necessary if the first
11 payment is not sufficient to cover the charge.

12 (5) The charges collected under subsection (1), except
13 those collected by a justice's court, must be deposited with
14 the appropriate local government finance officer or
15 treasurer. If a city municipal court or city or town court
16 is the court of original jurisdiction, the charges collected
17 under subsection (1) must be deposited with the city or town
18 finance officer or treasurer. If a ~~justice's court~~
19 district court is the court of original jurisdiction, the
20 charges collected under subsection (1) must be deposited
21 with the county finance officer or treasurer. If the court
22 of original jurisdiction is a court within a consolidated
23 city-county government within the meaning of Title 7,
24 chapter 3, the charges collected under subsection (1) must
25 be deposited with the finance officer or treasurer of the

1 consolidated government.

2 (6) (a) A city or town finance officer or treasurer
3 may retain the charges collected under subsection (1) by a
4 city municipal court or a city or town court and may use
5 that money for the payment of salaries of the city or town
6 attorney and his deputies.

7 (b) Each county finance officer or treasurer may
8 retain the charges collected under subsection (1) by
9 district ~~or justices'~~ courts for crimes committed or alleged
10 to have been committed within that county. The county
11 finance officer or treasurer shall use the money for the
12 payment of salaries of its deputy county attorneys and for
13 the payment of other salaries in the office of the county
14 attorney, and any funds not needed for such salaries may be
15 used for the payment of any other county salaries."

16 Section 32. Section 46-18-603, MCA, is amended to
17 read:

18 "46-18-603. Disposition of fines and forfeitures. All
19 fines and forfeitures collected in any court except city
20 courts must be applied to the payment of the costs of the
21 case in which the fine is imposed or the forfeiture
22 incurred. After such costs are paid, the residue, if not
23 paid to a justice's court or otherwise provided by law, must
24 be paid to the county treasurer of the county in which the
25 court is held and by him credited as provided by law. If the

1 fine or forfeiture is paid to the county treasurer, at the
 2 time of such payment there shall be filed with the county
 3 treasurer a complete statement showing the total of the fine
 4 or forfeiture received or incurred with an itemized
 5 statement of the costs incurred by the county in such
 6 action. The statement shall give the title of the cause and
 7 be subscribed by the person or officer making such payment."

8 Section 33. Section 50-1-204, MCA, is amended to read:

9 "50-1-204. Quarantine measures. The department may
 10 adopt and enforce quarantine measures against a state,
 11 county, or municipality to prevent the spread of
 12 communicable disease. A person who does not comply with
 13 quarantine measures shall, on conviction, be fined not less
 14 than \$10 or more than \$100. Receipts from fines, except
 15 justice's court fines, shall be deposited in the state
 16 general fund."

17 Section 34. Section 50-2-124, MCA, is amended to read:

18 "50-2-124. Penalties for violations. (1) A person who
 19 does not comply with rules adopted by a local board is
 20 guilty of a misdemeanor. On conviction, he shall be fined
 21 not less than \$10 or more than \$200.

22 (2) Except as provided in subsection (1) of this
 23 section and 50-2-123, a person who violates the provisions
 24 of this chapter or rules adopted by the department under the
 25 provisions of this chapter is guilty of a misdemeanor. On

1 conviction, he shall be fined not less than \$10 or more than
 2 \$500, imprisoned for not more than 90 days, or both.

3 (3) Each day of violation constitutes a separate
 4 offense.

5 (4) Fines, except justice's court fines, shall be paid
 6 to the county treasurer of the county in which the violation
 7 occurs."

8 Section 35. Section 50-52-105, MCA, is amended to
 9 read:

10 "50-52-105. Violation of chapter a misdemeanor. (1) A
 11 person violating a provision of this chapter or a rule made
 12 under it shall be guilty of a misdemeanor and upon
 13 conviction shall be fined not less than \$50 or more than
 14 \$100 for the first offense and not less than \$75 or more
 15 than \$200 for the second offense, and for the third and
 16 subsequent offenses, he shall be punished by a fine of not
 17 less than \$200 and imprisonment in the county jail not to
 18 exceed 90 days.

19 (2) Fines, except justice's court fines, shall be paid
 20 to the county treasurer of the county in which the
 21 establishment is located. The county treasurer shall send
 22 all fines collected to the state treasurer for deposit in
 23 the state general fund."

24 Section 36. Section 50-70-118, MCA, is amended to
 25 read:

"50-70-118. Penalty. (1) A person who violates this chapter relating to limitations of levels, concentrations, or quantities of emissions of various pollutants from a source determined to be necessary to prevent, abate, or control occupational diseases (unless in compliance with this chapter) is guilty of an offense and subject to a fine not to exceed \$1,000. Each day of violation constitutes a separate offense.

(2) Proceedings under this section are not a bar to enforcement of this chapter or of rules or orders made under it by injunction or other appropriate remedy. The department may institute and maintain in the name of the state these enforcement proceedings.

(3) This chapter does not abridge, limit, impair, create, enlarge, or otherwise affect substantively or procedurally the right of a person to damage or other relief on account of injury to persons or property and to maintain an action or other appropriate proceeding.

(4) Fines collected, except those collected by a justice's court, shall be deposited to the state general fund."

Section 37. Section 53-9-109, MCA, is amended to read:

"53-9-109. Crime victims compensation account. There is a crime victims compensation account in the state special revenue fund. There shall be paid into this account 18% of

the fines assessed and bails forfeited, except those paid to a justice's court, on all offenses involving a violation of chapter 3, part 1 of chapter 4, or chapters 5 through 10 of Title 61, that are a result of citations or tickets issued by the highway patrol."

Section 38. Section 61-8-718, MCA, is amended to read:

"61-8-718. Penalty for violation of fuel conservation speed limit. (1) A person violating the speed limit imposed pursuant to 61-8-304 is guilty of the offense of unnecessary waste of a resource and upon conviction shall be fined \$5, and no jail sentence may be imposed. Bond for this offense shall be \$5.

~~"(2)--For the purpose of this section only, the fees--of the--justice's--court--shall--be the balance of the fine not otherwise allocated by law and--shall--be--remitted--as--set forth in 3-18-603(3)--"~~

~~"(3)"~~(2) A violation of 61-8-304 is not a misdemeanor pursuant to 45-2-101, 61-8-104, or 61-8-711."

Section 39. Section 61-10-148, MCA, is amended to read:

"61-10-148. Disposition of fines and forfeited bonds. Except as provided in 61-12-701, one-half of all the money collected as fines and forfeited bonds for violations of Title 61, chapter 10, must be remitted monthly by the county treasurer to the state treasurer for deposit in the state

1 highway account in the state special revenue fund. The
 2 remaining half, less the deductions required by law, must be
 3 deposited in the county road fund. This section does not
 4 apply to fines and forfeited bonds paid to justices'
 5 courts."

6 Section 40. Section 61-11-104, MCA, is amended to
 7 read:

8 "61-11-104. Reports by justices of the peace and
 9 county--treasurers. Justices of the peace and---county
 10 treasurers shall furnish make available to the department
 11 statements-of-all-fees,-fines,-and-forfeitures--and records
 12 of cases which involve the state highway patrol as the
 13 department may request."

14 Section 41. Section 61-12-701, MCA, is amended to
 15 read:

16 "61-12-701. Disposition of fines and forfeitures. {1}
 17 All fines and forfeitures collected in any court, except a
 18 justice's court, for violation of the laws and regulations
 19 relating to the use of state highways and the operation of
 20 vehicles thereon, if the apprehension or arrest was by a
 21 highway patrolman, must be paid to the state treasurer and
 22 by him credited to the general fund of the state or, if the
 23 apprehension or arrest was by a sheriff or deputy sheriff,
 24 must be paid to the county treasurer for deposit in the
 25 county general fund, except for that portion of the fines

1 otherwise allocated by law which must be paid into the
 2 appropriate accounts in the state special revenue fund.

3 {2}--At-the-time-of-payment-of-the-fine-or--forfeiture,
 4 there--must--be--filed--with--the--appropriate--treasurer--a
 5 complete--statement--showing--the--total--of--the--fines--or
 6 forfeitures--received--or--incurred,-giving-the-title-of-the
 7 court-and-cause,-and-subscribed-to-by-the-person-or--officer
 8 making-the-payments,-"

9 Section 42. Section 75-2-412, MCA, is amended to read:

10 "75-2-412. Criminal penalties -- injunction preserved.

11 (1) A person who violates this chapter or a rule, order, or
 12 permit made or issued under it, other than 75-2-105, is
 13 guilty of an offense and subject to a fine not to exceed
 14 \$1,000. Each day of violation constitutes a separate
 15 offense.

16 (2) A person who willfully violates 75-2-105 is guilty
 17 of an offense and subject to a fine not to exceed \$1,000.

18 (3) Fines collected, except those collected in a
 19 justice's court, shall be deposited to the state general
 20 fund.

21 (4) Action under this section is not a bar to
 22 enforcement of this chapter or of a rule, order, or permit
 23 made or issued under it by injunction or other appropriate
 24 remedy. The department may institute and maintain in the
 25 name of the state any enforcement proceedings."

Section 43. Section 75-5-634, MCA, is amended to read:

"75-5-634. Fines to go to general fund. Fines collected, except those collected in a justice's court, shall be deposited to the state general fund."

Section 44. Section 75-7-216, MCA, is amended to read:

"75-7-216. Penalty. (1) A person who violates an order issued under this part or who knowingly violates a regulation made under this part commits a misdemeanor and on conviction may be sentenced to 30 days in the county jail or fined \$500, or both.

(2) Fines collected under this section, except those collected in a justice's court, shall be paid to the general fund of the county where the offense was committed for the purpose of administering this part."

Section 45. Section 75-10-418, MCA, is amended to read:

"75-10-418. Criminal penalties. (1) Any person who knowingly transports any hazardous waste to an unpermitted facility; who treats, stores, or disposes of hazardous waste without a permit; or who makes any false statement or representation in any application, label, manifest, record, report, permit, or other document filed or maintained as required by the provisions of this part or rules made under this part is subject to a fine not to exceed \$10,000 for each violation or imprisonment not to exceed 6 months, or

both. A person convicted for a violation of this section after a first conviction under this section is subject to a fine not to exceed \$20,000 for each violation or imprisonment not to exceed 1 year, or both. Each day of violation constitutes a separate violation.

(2) Action under this section does not bar enforcement of this part, rules made under this part, orders of the department or the board, or permits by injunction or other appropriate remedy.

(3) Money collected under this section, except money collected in a justice's court, shall be deposited in the state general fund."

Section 46. Section 75-20-112, MCA, is amended to read:

"75-20-112. Money to state special revenue fund. All fees, taxes, fines, and penalties collected under this chapter, except those collected by a justice's court, shall be deposited in the state special revenue fund for use by the department in carrying out its functions and responsibilities under this chapter."

Section 47. Section 76-13-111, MCA, is amended to read:

"76-13-111. Permissible expenditures. (1) The following funds may be expended as directed by the department for fire prevention, detection, suppression and

1 for forest range, water, and soil conservation:

2 (a) all moneys collected by county treasurers as
3 assessments on forest lands for forest protection;

4 (b) moneys collected for the abatement of public
5 nuisances;

6 (c) all fines collected, except those collected in a
7 justice's court, for violations of this part or part 2;

8 (d) the state's share of the cooperative fire
9 protection funds allocated by the federal government;

10 (e) any other funds provided for the purposes herein
11 indicated.

12 (2) All other cooperative funds collected,
13 appropriated, or allocated for the use of the department,
14 including funds for the removal of slash hazards resulting
15 from logging or other wood operations on state and private
16 forest lands, those provided for the purpose of helping to
17 maintain the maximum productivity of the forests of the
18 state, those provided for purposes designed to assist the
19 farmers of the state in the establishment of windbreaks and
20 woodlots in localities where those forest plantings are
21 helpful, and funds for other cooperative work, may not be
22 expended except for the specific purposes for which they
23 were collected, appropriated, or allocated."

24 Section 48. Section 76-13-114, MCA, is amended to
25 read:

1 "76-13-114. Disposition of fines. Fines collected in a
2 court of the state under this part or part 2, except those
3 collected in a justice's court, shall be transferred to the
4 state treasurer for deposit in the agency fund. Whenever a
5 person is convicted in any court of a violation of this part
6 or part 2, the court may levy and collect as costs in the
7 case the amount necessary to compensate the county for the
8 expenditures made in and for the prosecution of the
9 offender. These costs when collected, except those collected
10 in a justice's court, shall be deposited by the court with
11 the proper county treasurer for the benefit of the county."

12 Section 49. Section 77-1-117, MCA, is amended to read:

13 "77-1-117. Disposition of fines. Unless otherwise
14 provided, all money received as fines, fees, and forfeitures
15 under this title or as penalties for the violation of any of
16 the land laws of this state, except money received by a
17 justice's court, shall be paid to the state treasurer and by
18 him deposited to the credit of the general fund."

19 Section 50. Section 80-3-613, MCA, is amended to read:

20 "80-3-613. Violation -- penalty. A person who violates
21 this part, fails to comply with rules adopted under this
22 part, or fails to obey an order of the department made under
23 this part is guilty of a misdemeanor and shall be fined not
24 less than \$25 or more than \$500, imprisoned in the county
25 jail for not more than 6 months, or both fined and

1 imprisoned. The fine, except a fine paid to a justice's
 2 court, shall be paid into the state treasury and deposited
 3 as provided in 80-3-612."

4 Section 51. Section 80-7-704, MCA, is amended to read:
 5 "80-7-704. Disposition of fines and inspection fees.
 6 All fines levied as provided in 80-7-703, except fines paid
 7 to a justice's court, and all fees collected from
 8 inspections shall be deposited with the state treasurer to
 9 the credit of the state special revenue fund for the use of
 10 the department for the purpose of administering and
 11 enforcing 80-7-701 through 80-7-704."

12 Section 52. Section 80-11-313, MCA, is amended to
 13 read:

14 "80-11-313. Penalty. In addition to the penalty
 15 specified in 80-11-312, any person who violates or aids in a
 16 violation of any of the provisions of this part or any of
 17 the rules or orders of the department adopted under this
 18 part, upon conviction thereof, is punishable by a fine not
 19 to exceed \$500. All fines collected, except fines collected
 20 by a justice's court, shall be deposited as provided in
 21 80-11-310."

22 Section 53. Section 81-3-231, MCA, is amended to read:

23 "81-3-231. Penalties. (1) A person is guilty of a
 24 misdemeanor and is punishable as provided in subsection (6)
 25 of this section if he removes livestock or causes livestock

1 to be removed from a county in this state:

2 (a) without having the livestock inspected before
 3 removal if an inspection is required by law;

4 (b) without obtaining a market consignment permit or
 5 transportation permit if the permits are required by law;

6 (c) and does obtain a market consignment permit for
 7 livestock but does not deliver the livestock transported
 8 thereunder to the livestock market designated in the market
 9 consignment permit;

10 (d) and does obtain a transportation permit for the
 11 livestock but does not deliver the livestock transported
 12 thereunder to the destination as shown on the transportation
 13 permit and fails to have the livestock so transported
 14 inspected at the point of destination or does not file a
 15 loading tally with the carrier as provided in 81-4-607.

16 (2) A person who sells livestock or offers livestock
 17 for sale at a livestock market without having the livestock
 18 inspected or removes livestock or causes livestock to be
 19 removed from a livestock market without obtaining a release
 20 is guilty of a misdemeanor and is punishable as provided in
 21 subsection (6) of this section.

22 (3) A person who ships by railroad carrier and the
 23 railroad carrier transporting livestock for which a loading
 24 tally has been filed as provided by 81-4-607 and for which
 25 shipment of livestock an inspection has not been made which

1 after shipment causes or permits the livestock to leave the
2 custody of the railroad carrier at a place other than where
3 this state regularly maintains a stock inspector is guilty
4 of a misdemeanor and is punishable as provided in subsection
5 (6) of this section.

6 (4) A person who has in his charge livestock being
7 removed from a county in the state for which an inspection
8 certificate, a market consignment permit, or a market
9 release certificate has been issued and fails to have in his
10 possession accompanying the livestock the inspection
11 certificate, market consignment permit, or a market release
12 certificate as issued for the livestock, or who, having the
13 certificate of inspection, market consignment permit, or
14 market release certificate, fails to exhibit it to a
15 sheriff, deputy sheriff, constable, gross vehicle weight
16 enforcement officer, highway patrolman, state stock
17 inspector, or deputy state stock inspector at his request is
18 guilty of a misdemeanor and is punishable as provided in
19 subsection (6) of this section.

20 (5) Except as specifically otherwise provided, a
21 person violating any of the provisions of this part is
22 guilty of a misdemeanor and is punishable as provided in
23 subsection (6) of this section.

24 (6) Upon conviction under this section, a person,
25 firm, association, or corporation shall be fined not less

1 than \$50 or more than \$500 or imprisoned in the county jail
2 for a period of not more than 6 months or both fined and
3 imprisoned. Of all fines assessed and collected under this
4 section, except those assessed and collected in a justice's
5 court, 50% shall be paid into the state treasury and
6 credited to the state special revenue fund for the use of
7 the department and 50% shall be paid into the general fund
8 of the county in which the conviction occurred."

9 Section 54. Section 81-4-202, MCA, is amended to read:
10 "81-4-202. Penalties. (1) Any person violating
11 81-4-201 shall be deemed guilty of a misdemeanor, and upon
12 conviction thereof shall be fined in the sum of \$10 for the
13 first offense and in the sum of \$20 for each subsequent
14 offense and shall be liable in damage to any party injured
15 thereby, to be recovered in any court having competent
16 jurisdiction.

17 (2) All fines collected under the provisions of this
18 section, except those collected in a justice's court, shall
19 be paid into the county treasury for the use and benefit of
20 the public schools."

21 Section 55. Section 81-4-621, MCA, is amended to read:
22 "81-4-621. Penalties. (1) Any person who shall, for
23 his own use or benefit and without the owner's consent, take
24 into his possession any estray shall be guilty of a
25 misdemeanor and shall be punishable by a fine of not less

1 than \$25 or more than \$100 or by imprisonment in the county
2 jail not exceeding 60 days or by both such fine and
3 imprisonment.

4 (2) Every person, agent, firm, or corporation
5 violating the provisions of 81-4-607 shall be deemed guilty
6 of a misdemeanor and upon conviction thereof shall be fined
7 in any sum not exceeding \$300 or imprisoned in the county
8 jail not to exceed 6 months or both fined and imprisoned.

9 (3) Any person, agent, firm, corporation, pool, or
10 roundup association who shall ship cattle from this state
11 and shall fail to make such inspection or tally at point of
12 loading or who shall fail to file a true and correct tally,
13 to the best of his knowledge and belief, of all the brands
14 of cattle in such shipment with the railroad agent at the
15 point of shipment or who shall fail to forward a true and
16 correct copy, duly signed by him as party making the
17 shipment, to the stock inspector at point of destination or
18 any person who shall accompany a shipment of cattle as the
19 shipper in charge from this state and shall fail to take a
20 description of any and every animal taken out in transit and
21 hand such description to the stock inspector at point of
22 destination or any stock inspector at market points who
23 shall fail to make inspection as provided in 81-4-609 shall
24 be deemed guilty of a misdemeanor and shall be subject to a
25 fine of not less than \$50 or more than \$500 for each and

1 every offense. The fines so collected, except those
2 collected in a justice's court, shall be turned into the
3 general fund of the county where conviction is had, and any
4 stock inspector, sheriff, or other police officer shall have
5 power to make arrests to enforce the provisions of this
6 part."

7 Section 56. Section 81-8-216, MCA, is amended to read:

8 "81-8-216. Penalties. (1) A person who violates any
9 provision of 81-8-214, 81-8-215, and 81-8-251 through
10 81-8-263 or rules adopted by the department under 81-8-231
11 is guilty of a misdemeanor and upon conviction shall be
12 fined not less than \$100 or more than \$600, imprisoned in
13 the county jail not less than 30 days or more than 6 months,
14 or both. A person convicted of a subsequent violation of
15 81-8-214, 81-8-215, and 81-8-251 through 81-8-263 or rules
16 adopted to implement those sections shall be fined not less
17 than \$200 or more than \$1,000, imprisoned in the county jail
18 for not less than 3 months or more than 6 months, or both,
19 and the department may cancel his certificate.

20 (2) Of all fines assessed and collected under this
21 section, except those assessed and collected in a justice's
22 court, 50% shall be paid into the state treasury and
23 credited to the special revenue fund for the use of the
24 department and 50% shall be paid into the general revenue
25 fund of the county in which the conviction occurred."

Section 57. Section 81-8-279, MCA, is amended to read:

"81-8-279. Penalties. (1) A person who violates any provision of 81-8-271 through 81-8-273 and 81-8-276 through 81-8-278 or rules adopted by the department to implement those sections is guilty of a misdemeanor and upon conviction shall be fined not less than \$250 or more than \$1,000 or imprisoned for not more than 6 months, or both.

(2) Of all fines assessed and collected under this section, except those assessed and collected in a justice's court, 50% shall be paid into the state treasury and credited to the special revenue fund for the use of the department and 50% shall be paid into the general revenue fund of the county in which the conviction occurred."

Section 58. Section 81-23-403, MCA, is amended to read:

"81-23-403. Disposition of fines. (1) All fines assessed by a court other than a justice's court for violation of this chapter shall be paid by the court to the department.

(2) All fines received by the department shall be deposited with the state treasurer and shall be placed by him in the state special revenue fund. Fines assessed for violations of this chapter are earmarked for the purposes of this chapter."

Section 59. Section 85-2-123, MCA, is amended to read:

"85-2-123. Deposit of fees and penalties. Except as provided in 85-2-124 and 85-2-241, all fees and penalties collected under this chapter shall be deposited in the water right appropriation account established in 85-2-318. All penalties or fines imposed by any court other than a justice's court for a violation of this chapter shall be deposited in the general fund of the county where the court presides and shall be disposed of in the same manner as any other penalty or fine."

Section 60. Section 85-3-213, MCA, is amended to read:

"85-3-213. State special revenue fund. All license and permit fees and fines collected under this chapter, other than those collected in a justice's court, shall be deposited in the state special revenue fund for use by the department in the administration of this chapter."

Section 61. Section 85-15-502, MCA, is amended to read:

"85-15-502. Deposit of penalties and costs. All penalties and costs collected under this chapter, other than those collected in a justice's court, must be deposited in the state general fund."

Section 62. Section 87-1-601, MCA, is amended to read:

"87-1-601. Use of fish and game money. (1) All money collected or received from the sale of hunting and fishing licenses or permits, from the sale of seized game or hides,

1 or from damages collected for violations of the fish and
 2 game laws of this state, from appropriations, or received by
 3 the department from any other state source shall be turned
 4 over to the state treasurer and placed by him in the state
 5 special revenue fund to the credit of the department. Any
 6 money received from federal sources shall be deposited in
 7 the federal special revenue fund to the credit of the
 8 department.

9 (2) That money shall be exclusively set apart and made
 10 available for the payment of all salaries, per diem, fees,
 11 expenses, and expenditures authorized to be made by the
 12 department under the terms of this title. That money shall
 13 be spent for those purposes by the department, subject to
 14 appropriation by the legislature.

15 (3) Any reference to the fish and game fund in this
 16 code means fish and game money in the state special revenue
 17 fund and the federal special revenue fund.

18 (4) All money collected or received from fines and
 19 forfeited bonds, except money collected or received by a
 20 justice's court, relating to violations of state fish and
 21 game laws under Title 87 shall be deposited by the state
 22 treasurer and credited to the department of fish, wildlife,
 23 and parks in a state special revenue fund account for this
 24 purpose. Out of any fine imposed by a court for the
 25 violation of the fish and game laws, the costs of

1 prosecution shall be paid to the county where the trial was
 2 held in any case where the fine is not imposed in addition
 3 to the costs of prosecution.

4 (5) Money received by the department from the sale of
 5 surplus real property; exploration or development of oil,
 6 gas, or mineral deposits from lands acquired by the
 7 department except royalties or other compensation based on
 8 production; and from leases of interests in department real
 9 property not contemplated at the time of acquisition shall
 10 be deposited in an account within the nonexpendable trust
 11 fund of the state treasury. The interest derived therefrom,
 12 but not the principal, may be used only for the purpose of
 13 operation, development, and maintenance of real property of
 14 the department, and only upon appropriation by the
 15 legislature. If the use of money as set forth herein would
 16 result in violation of applicable federal laws or state
 17 statutes specifically naming the department or money
 18 received by the department, then the use of this money must
 19 be limited in the manner, method, and amount to those uses
 20 that do not result in such violation."

21 Section 63. Section 87-4-808, MCA, is amended to read:
 22 "87-4-808. Fines, bonds, penalties, and fees. Fines,
 23 bonds, or penalties, except those obtained by a justice's
 24 court, shall be administered and disposed of in accordance
 25 with the provisions of 87-1-601. Fees obtained under this

1 part shall be deposited with the state treasurer and
2 credited to the state special revenue fund, fish and game
3 account."

4 NEW SECTION. Section 64. Repealer. Section 3-10-603,
5 MCA, is repealed.

6 NEW SECTION. Section 65. Extension of authority. Any
7 existing authority of any department or other executive
8 branch office or entity to make rules on the subject of the
9 provisions of this act is extended to the provisions of this
10 act.

11 NEW SECTION. SECTION 66. COORDINATION INSTRUCTION.
12 (1) IF HOUSE BILL NO. 679, INCLUDING THE SECTION OF THAT
13 BILL AMENDING 46-18-235, IS NOT PASSED AND APPROVED,
14 SUBSECTION (4)(G) OF 3-10-601, AS AMENDED BY THIS BILL, IS
15 VOID AND SUBSECTION (4) OF 3-10-601 SHALL READ AS FOLLOWS:

16 "(4) THE STATE TREASURER SHALL DISTRIBUTE MONEY
17 RECEIVED UNDER SUBSECTION (3) AS FOLLOWS:

18 (A) 23% TO THE STATE GENERAL FUND;

19 (B) 10% TO THE FISH AND GAME ACCOUNT IN THE STATE
20 SPECIAL REVENUE FUND;

21 (C) 13% TO THE STATE HIGHWAY ACCOUNT IN THE STATE
22 SPECIAL REVENUE FUND;

23 (D) 36% TO THE TRAFFIC EDUCATION ACCOUNT IN THE STATE
24 SPECIAL REVENUE FUND;

25 (E) 1% TO THE DEPARTMENT OF LIVESTOCK ACCOUNT IN THE

1 STATE SPECIAL REVENUE FUND; AND

2 (F) 17% TO THE CRIME VICTIMS COMPENSATION ACCOUNT IN
3 THE STATE SPECIAL REVENUE FUND."

4 (2) IF HOUSE BILL NO. 28, INCLUDING THE SECTION OF
5 THAT BILL AMENDING 61-10-148, IS PASSED AND APPROVED, THE
6 AMENDMENT TO 61-10-148 IN THIS BILL SHALL READ: "THIS
7 SUBSECTION DOES NOT APPLY TO FINES AND FORFEITED BONDS PAID
8 TO JUSTICES' COURTS."

9 NEW SECTION. Section 67. Effective date. This act is
10 effective July 1, 1987.

-End-